This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

7.69.2

QVISQVIS HOC LIBRO
VTERIS RECORDARE
WALTERI RALEIGH
HORVM STVDIORVM
EXIMII FAVTORIS

Digitized by Google

4-

21/-

Rar. E 114 1/1

7

Charles Montague
Earl of Halifax

Digitized by Google

Digitized by Google

Digitized by Google

The Right Honourable
CHARLES late Earl of HALIFAX

Digitized by Google

THE WORKS AND LIFE

Of the Right Honourable

CHARLES,

LATE

Earl of HALIFAX.

INCLUDING

The HISTORY of his Lordship's TIMES.

LONDON:

Printed for E. CURLL, at the *Dial* and *Bible*; J. PEMBERTON, at the *Buck* and *Sun*; and J. HOOKE, at the *Flower-de-luce* all againſt St. *Dunſtan's* Church in *Fleetſtreet*. M.DCC.XV.

Price Five Shillings.

Digitized by Google

Digitized by Google

To the Right Honourable

GEORGE,

Earl of *HALIFAX*.

My LORD,

AS the following MEMOIRS have a Sort of Right to Your Lordſhip's Protection, who are the Worthy Inheritor of the Virtues and Eſtate of that Noble Peer, who gives Being to them; ſo 'tis preſum'd, there needs little to be ſaid in Excuſe for the Attempt, whatſoever Occaſion there may be to plead in behalf of the Performance.

Digitized by Google

Better Pens might indeed have employ'd themſelves on this arduous and important Work; and infinitely better Pens there are, that owe the Afiluence of their Fortunes to Your Deceas'd Uncle's Bounty, and their very Genius it ſelf to the Documents of his bright Example; but none could have undertaken it with greater Zeal, or more fervent Affection for his Memory, than the Perſon who for ſo doing implores Your Lordſhip's Patronage.

It muſt be confeſs'd, that his own Immortal Works were ſufficient of themſelves to have tranſmitted his Lordſhip to Poſterity; and that without any Auxiliary Helps from others, he would have been deduced to After-Ages, in Right of himſelf.

As to what relates to the Author in the Recital of the Occurrences of that Great and Illuſtrious Perſonage's LIFE and TIMES, he is ſenſible he has been guilty of many Omiſſions, thro' Want of Intelligence, from Perſons who might have oblig'd him with proper

Digitized by Google

proper Informations; particularly, in leaving out the Mention of his Lordſhip's Care for inſpiring future Ages with due Sentiments of Honour and Glory, by cauſing MEDALS to be ſtruck on the moſt Memorable Atchievements of the Two laſt REIGNS; and his ſingular good Will to Poſterity, in being the firſt Promoter of RHYMER's *Fœdera*, and of Digeſting the Records and Archives of the Kingdom, that would otherwiſe have lain in Duſt and Oblivion, into a proper Order. But Your Lordſhip, who are poſſeſs'd of Your Predeceſſor's Humanity, as well as Fortunes, and are as much diſtinguiſh'd for the Exerciſe of all Acts of Forgiveneſs, as You are for having no Defects Your ſelf, will be pleas'd to pardon the involuntary Errors of,

My LORD,

Your Lordſhip's moſt Obedient,

Humble Servant.

PRE-

Digitized by Google

Digitized by Google

PREFACE.

THE *few Excellent* POEMS *which are given to the Publick in this Collection, are the Genuine Productions of that Noble Perſon whoſe Name they bear; and there is nothing impoſed upon the Reader here, as has been too often practiſed in other Books with ſome Names of Eminence.*

There are ſome People, who, to avoid the Imputation of robbing the Dead, run into as bad an Extreme of giving them more than their Due, which is an equal Injury to their Memories, and breeds a great Confuſion in the Readers, when they find the beſt Poets *Authors of the meaneſt* Poems, *and the Poſthumous Pieces (as they are called) as unlike their former Compoſitions, as the Dead Man is to the Living.*

So

Digitized by Google

So much Care has been taken in the preſent Caſe, as to exclude all that were of doubtful Fame, tho' never ſo good, out of this Collection. We could not pay ſo ill a Compliment to the Manes *of the fineſt Genius, and greateſt* Mæcenas *that ever liv'd, as to make the Publick pay for what* is not his, *becauſe he cannot now reward us for what certainly* is his. *It is ſufficient to the Fame of this Great Man, to have writ the* Battle of the *Boyne*, The Man of Honour, *and (the greateſt Share of) the* City-Mouſe *and* Country-Mouſe; *and ſince theſe are publiſhed fairly and correctly, we ſhall not envy thoſe who may load his Name with a hundred Trifles, ſacrificing his* Lordſhip's *Honour to their Gain, or their Ignorance.*

It is hoped, that the LIFE *is writ with the ſame Care, and that the many* SPEECHES *upon the moſt important Debates in Parliament by ſo great a* MINISTER, *will make an uſeful and entertaining Addition to his Poetical Performances.*

POEMS

Digitized by Google

POEMS

ON

Several Occasions.

By the Right Honourable

CHARLES Earl of HALIFAX.

LONDON:

Printed in the Year MDCCXV.

Digitized by Google

Digitized by Google

POEMS
ON
Several Occasions.

On the Death of his Most Sacred Majesty King CHARLES II.

FAREWEL, Great CHARLES, Monarch (of Blest Renown,
The best Good Man that ever fill'd a (Throne;
Whom Nature, as her highest Pattern, wrought,
And mixt both Sexes Virtues in one Draught.

Digitized by Google

Wiſdom for Councils, Bravery in War,
With all the mild Good-Nature of the Fair.
The Woman's Sweetneſs, temper'd Manly Wit,
And Loving Power, did crown'd with Meekneſs ſit;
His awful Perſon Reverence engag'd,
Which mild Addreſs and Tenderneſs aſſwag'd:
Thus the Almighty Gracious King above,
Does both command our Fear, and win our Love.

With Wonders born, by Miracles preſerv'd,
A Heavenly Hoſt the Infant's Cradle ſerv'd.
And Men his healing Empire's Omen read,
When *Sun* with *Stars*, and *Day* with *Night*, agreed.
His Youth for Valorous Patience was renown'd,
Like *David*, Perſecuted firſt, then Crown'd.
Lov'd in all Courts, admir'd where e're he came,
At once our Nation's Glory, and its Shame:
They bleſt the *Iſle*, where ſuch great Spirits dwell,
Abhorr'd the Men, that could ſuch Worth expel.

To

Digitized by Google

To spare our Lives, he meekly did defeat
Those *Souls*, whom *wandring Asses* made so great;
Waiting till Heaven's Election should be shown,
And the *Almighty* should his *Unction* own.
And own he did——His powerful Arm display'd,
And *Israel*, the Belov'd of God, obey'd;
Call'd by his Peoples Tears, He came, He eas'd
The Groaning Nation, the Black Storms appeas'd;
Did greater Blessings, than He took, afford,
England it self was more, than He, restor'd,
Unhappy *Albion*, by strange Ills oppress,
In various Fevers tost, could find no Rest:
Quite spent and wearied, to His Arms she fled,
And rested on His Shoulders, her fair bending Head.

In Conquests mild, He came from Exile kind,
No Climes, no Provocations, chang'd his Mind:
No Malice show'd, no Hate, Revenge, or Pride,
But *rul'd* as *meekly*, as His *Father* dy'd.

Eas'd

Digitized by Google

Eas'd us from endleſs Wars, made Diſcords ceaſe,
Reſtor'd to Quiet, and maintain'd in Peace:
A mighty Series of new Time began,
And rowling Years in joyful Circles ran.
Then Wealth the City, Bus'neſs fill'd the Port,
To Mirth our Tumults turn'd, our Wars to Sport:
Then Learning flouriſh'd, blooming Arts did ſpring,
And the glad *Muſes* prun'd their drooping Wing.
Then did our *flying Towers* Improvement know,
Who *now* command as far, as Winds can blow.
With Canvaſs Wings round all the Globe they fly,
And, built by CHARLES's Art, all Storms defy:
To ev'ry Coaſt with ready Sails are hurl'd,
Fill us with Wealth, and with our Fame the World:
From whoſe Diſtractions Seas do us divide;
Their Riches here in floating Caſtles ride.
We reap the Swarthy *Indian*'s Sweat and Toil,
Their Fruit, without the Miſchiefs of their Soil.
Here in cool Shades their Gold and Pearls receive,
Free from the Heat, which does their Luſtre give.

In

Digitized by Google

In *Perſian* Silks, eat *Eaſtern* Spice; ſecure
From burning Fluxes, and their Calenture.
Under our Vines upon the peaceful Shore,
We ſee all *Europe* toſt, hear Tempeſts roar,
Rapine, Sword, Wars, and Famine rage abroad,
While CHARLES their Hoſt, like *Jove* from *Ida*, aw'd;
Us from our Foes, and from our ſelves did ſhield,
Our Towns from Tumults, and from Arms the Field.
For when bold Factions *Goodneſs* could diſdain,
Unwillingly He us'd a ſtraiter Rein:
In the *ſtill gentle Voice* He lov'd to ſpeak,
But could with Thunder harden'd Rebels break.
Yet though they wak'd the Laws, His tender Mind
Was undiſturb'd, in Wrath ſeverely kind.
Tempting His Power, and urging to aſſume;
Thus *Jove* in Love did *Semele* conſume.
As the ſtout *Oak*, when round his Trunk the Vine
Does in ſoft Wreaths and amorous Foldings twine,
Eaſy and ſlight appears: the Winds from far
Summon their noiſy Forces to the War;

But

Digitized by Google

But though ſo gentle ſeems his outward Form,
His hidden Strength out-braves the loudeſt Storm:
Firmer he ſtands, and boldly keeps the Field,
Showing ſtout Minds, when unprovok'd, are mild.
So when the *Good Man* made the Crowd preſume,
He ſhow'd himſelf, and did the *King* aſſume:
For Goodneſs in Exceſs may be a Sin,
Juſtice muſt *tame*, whom *Mercy* cannot *win*.
Thus Winter fixes the unſtable Sea,
And teaches reſtleſs Water Conſtancy,
Which under the warm Influence of bright Daye,
The fickle Motion of each Blaſt obeys.
To bridle Factions, ſtop Rebellion's Courſe,
By eaſy Methods, vanquiſh without Force,
Relieve the Good, bold ſtubborn Foes ſubdue,
Mildneſs in Wrath, Meekneſs in Anger ſhew,
Were Arts Great CHARLES's Prudence only knew.
To fright the Bad, thus awful *Thunder* rolls;
While the bright *Bow* ſecures the Faithful Souls.

Such

Digitized by Google

Such is thy Glory, CHARLES, thy lasting Name,
Brighter than our proud *Neighbour*'s guilty Fame!
More Noble than the Spoils that Battels yield,
Or all the empty Triumphs of the Field.
'Tis less to conquer, than to make Wars cease,
And without Fighting, awe the World to Peace:
For proudest Triumphs from Contempt arise,
The Vanquish'd first the Conqueror's Arms despise:
Won Ensigns are the gaudy Marks of Scorn,
They brave the Victor first, and then adorn.
But peaceful Monarchs reign like Gods, while none
Dispute, all Love, Bless, Reverence their Throne.
Tygers, and Bears, with all the savage Host,
May Boldness, Strength, and daring Conquest boast;
But the sweet Passions of a Generous Mind,
Are the Prerogative of Human Kind;
The God-like Image, on our Clay impress,
The darling Attribute which Heaven loves best!

Digitized by Google

In CHARLES, ſo Good a *Man* and *King*, we ſee
A double Image of the Deity.
Oh! had He more reſembled it! Oh, why
Was He not ſtill more like, and cou'd not dye?
Now do our Thoughts alone enjoy His Name,
And faint *Ideas* of our Bleſſing frame!
In *Thames*, the Ocean's Darling, *England*'s Pride,
The pleaſing Emblem of His Reign does glide:
Thames the Support, and Glory of our Iſle,
Richer than *Tagus*, or *Ægyptian Nile*.
Though no rich Sand in him, no Pearls are found,
Yet Fields rejoice, his Meadows laugh around;
Leſs Wealth his Boſom holds, leſs guilty Stores,
For he exhauſts himſelf, t'enrich the Shores.
Mild and Serene the peaceful Current flows,
No angry Foam, no raging Surges knows:
No dreadful Wreck upon his Banks appears,
His Cryſtal Stream unſtain'd by Widows Tears,
His Chanel ſtrong and eaſy, deep and clear,

No

Digitized by Google

No arbitrary Inundations ſweep
The Plowman's Hopes, and Life, into the Deep;
The even Waters the old Limits keep.
But oh! he ebbs, the ſmiling Waves decay,
(For ever, lovely Stream, for ever ſtay!)
To the Black Sea his ſilent Courſe does bend,
Where the beſt Streams, the longeſt Rivers, end.
His ſpotleſs Waves there undiſtinguiſh'd paſs,
None ſee, how clear, how bounteous, ſweet, he was.
No Difference now (though late ſo much) is ſeen,
'Twixt him, fierce *Rhine*, and the impetuous *Seyne*.

But lo! the joyful Tide our Hopes reſtores,
And dancing Waves extend the wid'ning Shores.
JAMES is our CHARLES in all Things but in Name:
Thus *Thames* is daily loſt, yet ſtill the ſame.

Digitized by Google

THE MAN of HONOUR.

NOT all the *Threats* or *Favours* of a Crown,
A *Prince*'s Whisper, or a *Tyrant*'s Frown,
Can *awe* the Spirit, or *allure* the Mind
Of him, who to strict *Honour* is inclin'd.
Though all the Pomp and Pleasure that does wait
On publick Places, and Affairs of *State*,
Shou'd fondly court him to be *Base* and *Great*;
With *even* Passions, and with *settled* Face,
He would remove the *Harlot's* false Embrace.

Tho' all the *Storms* and *Tempests* should arise,
That *Church-Magicians* in their Cells devise,

And

Digitized by Google

And from their settled Basis *Nations* tear,
He wou'd unmov'd the mighty Ruin bear;
Secure in Innocence contemn 'em all,
And decently array'd in *Honours*, fall.

For this, Brave SHREWSBURY and LUMLY's Name
Shall stand the foremost in the List of Fame,
Who first with steddy Minds the Current broke,
And to the suppliant *Monarch* boldly spoke:

'Great Sir, renown'd for Constancy, how just
'Have we obey'd the Crown, and serv'd our Trust,
'Espous'd your *Cause* and *Interest* in Distress,
'Your self must witness, and our Foes confess!
'Permit us then *ill Fortune* to accuse,
'That you at last *unhappy Councils* use,
'And ask the *only* thing we must *refuse*.
'Our *Lives* and *Fortunes* freely we'll expose,
'*Honour* alone we cannot, must not lose:

'*Honour*,

Digitized by Google

' *Honour*, that *Spark* of the Celeſtial *Fire*,
' That above *Nature* makes *Mankind* aſpire;
' Enobles the rude Paſſions of our Frame,
' With Thirſt of *Glory*, and Deſire of Fame;
' The richeſt *Treaſure* of a generous Breaſt,
' That gives the Stamp and Standard to the reſt.
' *Wit*, *Strength*, and *Courage*, are wild dangerous Force,
' Unleſs this ſoftens and directs their Courſe;
' And would you rob us of the *nobleſt* Part,
' Accept a *Sacrifice* without a *Heart*?
' 'Tis much beneath the Greatneſs of a Throne,
' To take the *Caſket* when the *Jewel*'s gone;
' Debauch our *Principles*, corrupt our Race,
' And teach the *Nobles* to be Falſe and Baſe;
' What Confidence can you in them repoſe,
' Who e're they ſerve you, all their Value loſe?
' Who once enſlave their *Conſcience* to their *Luſt*,
' Have loſt their *Reins*, and can no more be *Juſt*.

' Of

Digitized by Google

'Of *Honour*, Men at firſt like Women nice,
'Raiſe *Maiden Scruples* at unpractis'd *Vice*;
'Their *modeſt* Nature curbs the ſtruggling *Flame*,
'And ſtifles what they wiſh to act, with *Shame*:
'But once this Fence thrown down, when they perceive
'That they may taſte forbidden Fruit and live;
'They ſtop not here their Courſe, but ſafely in,
'Grow Strong, Luxuriant, and Bold in Sin;
'True to no Principles, preſs forward ſtill,
'And only bound by Appetite their Will:
'Now fawn and flatter, while this Tide prevails,
'But ſhift with every veering Blaſt their Sails.
'Mark thoſe that meanly truckle to your Power,
'They once deſerted, and chang'd Sides before,
'And would to morrow *Mahomet* adore!
'On higher Springs true Men of Honour move,
'Free is their Service, and unbought their Love:
'When Danger calls, and Honour leads the Way,
'With Joy they follow, and with Pride obey:

'When

Digitized by Google

'When the Rebellious Foe came rolling on,
'And ſhook with gathering Multitudes the Throne,
'Where were the Minions then? What Arms, what Force,
'Cou'd they oppoſe to ſtop the Torrent's Courſe?

'Then *Pembroke*, then the Nobles firmly ſtood,
'Free of their Lives, and laviſh of their Blood;
'But when your Orders to mean Ends decline,
'With the ſame Conſtancy they all reſign.

Thus ſpake the Youth, who open'd firſt the way,
And was the *Phoſphorous* to the dawning Day;
Follow'd by a more glorious ſplendid Hoſt,
Than any Age, or any Realm can boaſt:
So great their Fame, ſo numerous their Train,
To name were endleſs, and to praiſe in vain;
But HERBERT, and great OXFORD merit more,
Bold is their Flight, and more ſublime they ſoar;

So

Digitized by Google

So high their Virtue as yet wants a Name,
Exceeding Wonder, and surpassing Fame:
Rise, Glorious Church, erect thy Radiant Head,
The Storm is past, th' Impending Tempest fled:
Had Fate decreed thy Ruin or Disgrace,
It had not giv'n such Sons so brave a Race.
When for Destruction Heav'n a Realm designs,
The Symptoms first appear in slavish Minds:
These Men would prop a sinking Nation's Weight,
Stop falling Vengeance, and reverse ev'n Fate.
Let other Nations boast their fruitful Soil,
Their fragrant Spices, their rich Wine and Oil;
In breathing Colours, and in living Paint
Let them excel, their Mastery we grant.
But to instruct the Mind, to arm the Soul
With Virtue, which no Dangers can controul;
Exalt the Thought, a speedy Courage lend,
That Horror cannot shake, or Pleasure bend:
These are the *English* Arts, these we profess,
To be the same in Mis'ry and Success;

Digitized by Google

To teach Oppreſſors Law, aſſiſt the Good,
Relieve the Wretched, and ſubdue the Proud.
Such are our Souls: But what doth Worth avail,
When Kings commit to hungry Prieſts the Scale?
All Merit's light when they diſpoſe the Weight,
Who either would embroil, or rule the State;
Defame thoſe Heroes who their Yoke refuſe,
And blaſt that Honeſty they cannot uſe;
The Strength and Safety of the Crown deſtroy,
And the King's Power againſt himſelf employ;
Affront his Friends, deprive him of the Brave;
Bereft of theſe, he muſt become their Slave.
Men, like our Money, come the moſt in Play,
For being baſe, and of a coarſe Allay.
The richeſt Medals, and the pureſt Gold,
Of native Value, and exacteſt Mould,
By Worth conceal'd, in private Cloſets ſhine,
For vulgar Uſe too precious, and too fine;
Whilſt Tin and Copper with new ſtamping bright,
Coin of baſe Metal, counterfeit and light,

Digitized by Google

Do all the Buſ'neſs of the Nation's Turn,
Rais'd in Contempt, us'd and employ'd in Scorn:
So ſhining Virtues are for Courts too bright,
Whoſe guilty Actions fly the ſearching Light;
Rich in themſelves, diſdaining to aſpire,
Great without Pomp, they willingly retire;
Give place to Fools, whoſe raſh misjudging Senſe
Increaſes the weak Meaſures of their Prince;
Prone to admire, and flatter him in Eaſe,
They ſtudy not his Good, but how to pleaſe;
They blindly and implicitly run on,
Nor ſee thoſe Dangers which the other ſhun:
Who ſlow to act, each Buſ'neſs duly weigh,
Adviſe with Freedom, and with Care obey;
With Wiſdom fatal to their Intereſt, ſtrive
To make their Monarch lov'd, and Nation thrive.
Such have no place where Prieſts and Women reign,
Who love fierce Drivers, and a looſer Rein.

Digitized by Google

An EPISTLE

To the Right Honourable

CHARLES

Earl of *Dorſet* and *Middleſex.*

Occaſion'd by His Majeſty's Victory in *IRELAND.*

WHAT? Shall the King the Nation's Genius raiſe,
And make us Rival our Great EDWARD's Days;
Yet not one Muſe, worthy a Conq'ror's Name,
Attend his Triumphs, and Record his Fame!
Oh, DORSET! You alone this Fault can mend,
The Muſes Darling, Confident, and Friend?
The Poets are your Charge, and, if unfit,
You ſhould be fin'd to furniſh abler Wit;

Oblig'd

Digitized by Google

Oblig'd to quit your Ease, and draw agen,
To paint the Greatest Heroe, the Best Pen.

A Heroe, who thus early does out-shine
The Ancient Honours of his Glorious Line;
And, soaring more sublimely to Renown,
The Mem'ry of their pious Triumphs drown:
Whose Actions are deliver'd o'er to Fame,
As Types, and Figures of his greater Name.

When Fate some mighty Genius has design'd,
For the Relief, and Wonder of Mankind,
Nature takes Time to answer the Intent,
And climbs, by slow Degrees, the steep Ascent:
She toils, and labours with the growing Weight,
And watches carefully the Steps of Fate;
'Till all the Seeds of Providence unite,
To set the Heroe in a happy Light;
Then, in a lucky and propitious Hour,
Exerts her Force, and calls forth all her Pow'r.

In

In NASSAU's Race ſhe made this long Eſſay;
Heroes and Patriots prepar'd the Way,
And promis'd, in their Dawn, this brighter Day;
A Publick Spirit diſtinguiſh'd all the Line,
Succeſſive Virtues in each Branch did ſhine,
'Till this laſt Glory roſe, and Crown'd the great Deſign.

Bleſt be his Name! and peaceful lie his Grave,
Who durſt his Native Soil, loſt *Holland*, ſave!
But WILLIAM's Genius takes a wider Scope,
And gives the injur'd, in all Kingdoms, Hope:
Born to ſubdue inſulting Tyrant's Rage,
The Ornament, and Terror, of the Age;
The Refuge, where afflicted Nations find
Relief from thoſe Oppreſſors of Mankind,
Whom Laws reſtrain not, and no Oaths can bind.
Him, their Deliv'rer *Europe* does confeſs,
All Tongues extol, and all Religions bleſs;

The

Digitized by Google

The *Po*, the *Danube*, *Bætis*, and the *Rhine*,
United in his Praiſe, their Wonder join:
While, in the Publick Cauſe, he takes the Field,
And ſhelter'd Nations fight behind his Shield.
His Foes themſelves dare not Applauſe refuſe:

And ſhall ſuch Actions want a Faithful Muſe?
Poets have this to boaſt; Without their Aid,
The freſheſt Lawrels, nipp'd by Malice, fade,
And Virtue to Oblivion is betray'd:
The proudeſt Honours have a narrow Date,
Unleſs they vindicate their Names from Fate.

But who is equal to ſuſtain the Part!
D——*n* has Numbers, but he wants a Heart;
Enjoyn'd a Penance (which is too ſevere
For playing once the Fool) to perſevere.
Others, who knew the Trade, have laid it down;
And, looking round, I find you ſtand alone.

How,

Digitized by Google

How, Sir! can you, or any *Engliſh* Muſe,
Our Country's Fame, our Monarch's Arms, refuſe?

'Tis not my Want of Gratitude, but Skill,
Makes me decline what I can ne'er fulfil:
I cannot ſing of Conqueſts, as I ought,
And my Breath fails to ſwell a lofty Note.
I know my Compaſs, and my Muſe's Size,
She loves to Sport and Play, but dares not riſe;
Idly affects, in this familiar Way,
In eaſy Numbers looſely to convey,
What mutual Friendſhip wou'd at Diſtance ſay.

Poets aſſume another Tone and Voice,
When Victory's their Theme, and Arms their Choice.
To follow Heroes in the Chace of Fame,
Asks Force, and Heat, and Fancy wing'd with Flame.
What Words can paint the Royal Warrior's Face?
What Colours can the Figure boldly raiſe?

When

Digitized by Google

When cover'd o'er with comely Dust and Smoke,
He pierc'd the Foe, and thickest Squadrons broke?
His bleeding Arm, still painful with the Sore,
Which, in his Peoples Cause, the Pious Father bore:
Whom, cleaving through the Troops a Glorious Way,
Not the united Force of *France*, and Hell, cou'd stay.

Oh, DORSET! I am rais'd! I'm all on fire!
And, if my Strength could answer my Desire,
In Speaking Paint this Figure should be seen,
Like *Jove* his Grandeur, and like *Mars* his Mien;
And Gods descending should adorn the Scene.

See, See! Upon the Banks of *Boyne* he stands,
By his own View adjusting his Commands;
Calm and serene the Armed Coast surveys,
And, in cool Thoughts, the diff'rent Chances weighs:
Then, fir'd with Fame, and eager of Renown,
Resolves to end the War, and fix the Throne.

Digitized by Google

From Wing to Wing the Squadrons bending ſtand,
And cloſe their Ranks to meet their King's Command;
The Drums and Trumpets ſleep, the ſprightly Noiſe
Of neighing Steeds, and Canons louder Voice,
Suſpended in Attention, baniſh far
All Hoſtile Sounds, and huſh the Din of War:
The ſilent Troops ſtretch forth an eager Look,
Liſt'ning with Joy, while thus their Gen'ral ſpoke.

'Come, Fellow-Soldiers, Follow me once more,
'And fix the Fate of *Europe* on that Shore;
'Your Courage only waits from me the Word,
'But *England*'s Happineſs commands my Sword:
'In Her Defence I ev'ry Part will bear,
'The Soldier's Danger, and the Prince's Care,
'And envy any Arm an equal Share.
'Set all that's dear to Men before your Sight,
'For Laws, Religion, Liberty, we fight;
'To ſave your Wives from Rape, your Towns from Flame,
'Redeem your Country ſold, and vindicate her Name:

At

Digitized by Google

'At whoſe Requeſt and timely Call I roſe,
'To tempt my Fate, and all my Hopes expoſe;
'Struggled with adverſe Storms, and Winter-Seas,
'That in my Labours you might find your Eaſe.
'Let other Monarchs dictate from afar,
'And write the empty Triumphs of their War,
'In lazy Palaces ſupinely ruſt;
'My Sword ſhall juſtify my Peoples Truſt.
'For which——But I your Victory delay;
'*Come on*; I, and my Genius lead the Way.

He ſaid: New Life and Joy ran through the Hoſt,
And Senſe of Danger in their Wonder loſt;
Precipitate they plunge into the Flood,
In vain the Waves, the Banks, the Men withſtood.
The KING leads on, the KING does all inflame,
The KING——and carries Millions in the Name.

As when the ſwelling Ocean burſts his Bounds,
And, foaming, overwhelms the neighb'ring Grounds,

Digitized by Google

The roaring Deluge, ruſhing headlong on,
Sweeps Cities in its Courſe, and bears whole Foreſts down;
So on the Foe the firm Batallions preſt,
And He, like the Tenth Wave, drove on the reſt;
Fierce, Gallant, Young, he ſhot thro' ev'ry Place,
Urging their Flight, and hurrying on the Chace,
He hung upon their Rear, or lighten'd in their Face.

Stop! ſtop! brave Prince! Allay that Gen'rous Flame,
Enough is giv'n to *England*, and to Fame.
Remember, Sir, you in the Center ſtand,
Europe's divided Int'reſts you command,
All their Deſigns uniting in your Hand;
Down from your Throne deſcends the Golden Chain,
Which does the Fabrick of our World ſuſtain;
That once diſſolv'd by any Fatal Stroke,
The Scheme of all our Happineſs is broke.

Stop! ſtop! brave Prince! Fleets may repair again,
And routed Armies rally on the Plain,
But Ages are requir'd to raiſe ſo Great a Man!

Hear,

Digitized by Google

Hear, how the Waves of *French* Ambition roar,
Disdaining Bounds, and breaking on the Shore,
Which you, ordain'd to curb their wild-destructive Pow'r,
That Strength remov'd; Again, again, they flow,
Lay *Europe* waste, nor Laws, nor Limits know.

Stop! stop! brave Prince!—What, does your Muse, Sir, faint?
Proceed, persue his Conquests——Faith, I can't:
My Spirits sink, and will no longer bear;
Rapture and Fury carry'd me thus far
Transported and amaz'd——————
That Rage once spent, I can no more sustain
Your Flights, your Energies, and Tragic Strain,
But fall back to my Nat'ral Pace again;
In humble Verse provoking you to Rhime,
I wish there were more DORSETS at this Time.

Oh! if in *France* this Heroe had been born,
What Glittering Tinsel wou'd his Acts adorn!

There

Digitized by Google

There 'tis Immortal Fame, and High Renown,
To steal a Country, and to buy a Town:
Their Triumphs are o'er Kings and Kingdoms sold,
And Captive Virtue led in Chains of Gold.
If Courage cou'd, like Courts, be kept in Pay,
What Sums wou'd *Lewis* give, that *France* might say,
That Vict'ry follow'd where he led the Way?
He all his Conquests wou'd for this refund,
And take th' Equivalent, a Glorious Wound.
Then, what Advice, to spread his real Fame,
Wou'd pass between *Versailles* and *Nostredame*?
Their Plays, their Songs, wou'd dwell upon his Wound,
And Operas repeat no other Sound;
Boyne wou'd, for Ages, be the Painter's Theme,
The *Goblin*'s Labour, and the Poet's Dream;
The wounded Arm wou'd furnish all their Rooms,
And bleed for ever Scarlet in the Looms:
Boileau with this wou'd plume his artful Pen:
And can your Muse be silent a Think again.

Spare

Spare your Advice; and ſince you have begun,
Finiſh your own Deſign; the Work is done.

Done! Nothing's done: Not the dead Colours laid,
And the moſt Glorious Scenes ſtand undiſplay'd;
A Thouſand Gen'rous Actions cloſe the Rear;
A Thouſand Virtues, ſtill behind, ſtand crowding to
(appear.

The Queen her ſelf, the Charming Queen ſhou'd
(grace
The Noble Piece, and in an artful Place,
Soften War's Horror with her lovely Face.
Who can omit the Queen's auſpicious Smile,
The Pride of the Fair Sex, the Goddeſs of our Iſle?
Who can forget, what all admir'd of late,
Her Fears for him, her Prudence for the State?
Diſſembling Cares, ſhe ſmooth'd her Looks with Grace,
Doubts in her Heart, and Pleaſure in her Face.
As Danger did approach, her Spirits roſe,
And, putting on the King, diſmay'd his Foes. Now,

Digitized by Google

Now, all in Joy, ſhe gilds the chearful Court,
In ev'ry Glance deſcending Angels ſport.
As on the Hills of *Cynthus*, or the Meads
Of cool *Eurotas*, when *Diana* leads
The Chorus of her Nymphs, who there advance
A Thouſand ſhining Maids, and form the Dance:
The ſtately Goddeſs, with a graceful Pride,
Sweet and Majeſtic, does the Figure guide;
Treading in juſt and eaſy Meaſures round
(The ſilver Arrows on her Shoulder ſound)
She walks above them All. Such is the Scene
Of the Bright Circle, and the Brighter QUEEN.

Theſe Subjects do, my Lord, your Skill command,
Theſe none may touch with an Unhallow'd Hand:
Tender the Strokes muſt be, and nicely writ,
Diſguis'd Encomiums muſt be hid in Wit,
Which Modeſty, like theirs, will e'er admit,
Who made no other Steps to ſuch a Throne,
But to Deſerve, and to Receive, the Crown.

THE

Digitized by Google

THE HIND AND THE PANTHER TRANSVERS'D

To the Story of

The *Country-Mouse* and the *City-Mouse*.

Much Malice mingled with a little Wit. *Hind. Pan.*

Nec vult Panthera domari. Quæ Genus.

Digitized by Google

Digitized by Google

PREFACE

THE *Favourers of the* Hind *and* Panther *will be apt to ſay in its Defence, That the beſt Things are capable of being turn'd to Ridicule; that* Homer *has been Burleſqu'd, and* Virgil *Traveſted, without ſuffering any thing in their Reputation from that Buffoonry; and that in like manner, the* Hind *and the* Panther *may be an exact Poem, though 'tis the Subject of our Raillery: But there is this Difference, that thoſe Authors are wreſted from their true Senſe, and this naturally falls into Ridicule; there is nothing repreſented here as monſtrous and unnatural, which is not equally ſo in the Original. Firſt, as to the general Deſign; Is it not as eaſy to imagine two* Mice *bilking Coachmen, and ſupping at the* Devil; *as to ſuppoſe a* Hind *entertaining the* Panther *at a* Hermit's Cell; *diſcuſſing the greateſt Myſteries of Religion, and telling you her Son* Rodriguez *writ very good* Spaniſh? *What can be more improbable and contradictory to the*

Digitized by Google

Rules and Examples of all Fables, and to the very Design and Use of them? They were first begun and raised to the highest Perfection in the Eastern *Countries; where they wrote in Signs and spoke in Parables, and delivered the most useful Precepts in delightful Stories; which for their Aptness were entertaining to the most Judicious, and led the Vulgar into understanding by surprizing them with their Novelty, and fixiag their Attention. All their Fables carry a double Meaning; the Story is one and entire; the Characters the same throughout, not broken nor chang'd, and always conformable to the Nature of the Creatures they introduce. They never tell you that the Dog which snapt at a Shadow, lost his Troop of Horse, that would be unintelligible; a Piece of Flesh is proper for him to drop, and the Reader will apply it to Mankind: They would not say that the Daw, who was so proud of her borrow'd Plumes, look'd very ridiculous when* Rodriguez *came and took away all the Book but the 17th, 24th, and 25th Chapters, which she stole from him: But this is his new way of telling a Story, and confounding the* Moral *and the* Fable *together.*

Before the Word was written, said the Hind,
Our Saviour preach'd the Faith to all Mankind.

What

Digitized by Google

What Relation has the Hind *to our Saviour? or what Notion have we of a* Panther's *Bible? If you ſay he means the Church, how does the Church feed on Lawns, or range in the Foreſt? Let it be always a Church, or always the cloven-footed Beaſt, for we cannot bear his ſhifting the Scene every Line. If it is abſurd in Comedies to make a Peaſant talk in the Strain of a* Heroe, *or a Country Wench uſe the Language of the Court; how monſtrous is it to make a Prieſt of a* Hind, *and a Parſon of a* Panther? *To bring 'em in diſputing with all the Formalities and Terms of the School? Though as to the Arguments themſelves, thoſe, we confeſs, are ſuited to the Capacity of the Beaſts; and if we would ſuppoſe a* Hind *expreſſing her ſelf about theſe Matters, ſhe would talk at that Rate.*

As to the Abſurdity of his Expreſſions, there is nothing wreſted to make 'em ridiculous, the Terms are ſometimes alter'd to make the Blunder more viſible; Knowledge miſunderſtood *is not at all better Senſe than* Underſtanding miſunderſtood, *though 'tis confeſt the Author can play with Words ſo well, that this and twenty ſuch will paſs off at a ſlight reading.*

There are other Miſtakes which could not be brought in, for they were too groſs for

Bayes

Bayes *himself to commit. 'Tis hard to conceive how any Man could censure the* Turks *for Gluttony, a People that debauch in Coffee, are voluptuous in a Mess of Rice, and keep the strictest* Lent, *without the Pleasures of a* Carnival *to encourage them. But 'tis almost impossible to think that any Man who had not renounced his Senses, should read* Duncomb *for* Allen : *He had been told, that Mr.* Allen *had written a Discourse of Humility; to which he wisely answers, That that magnified Piece of* Duncomb's *was translated from the* Spanish *of* Rodriguez; *and to set it beyond Dispute, makes the infallible Guide affirm the same thing. There are few Mistakes, but one may imagine how a Man fell into them, and at least what he aim'd at; but what Likeness is there between* Duncomb *and* Allen? *Do they so much as Rhime?*

Difference betwixt a Protestant and *Socinian*, p. 62.

Page 92.

We may have this Comfort under the Severity of his Satyr, to see his Abilities equally lessen'd with his Opinion of us; and that he could not be a fit Champion against the Panther, *till he had laid aside all his Judgment. But we must applaud his Obedience to his new Mother* Hind; *she* Disciplin'd *him savagely; she commanded him, it seems, to* Sacrifice *his* darling Fame; *and to do it effectually, he publish'd this learned Piece. This is the favourable Construction we would put on his Faults, tho' he takes care to inform us, that*

Page 90.

Pref.

Digitized by Google

that it was done from no Impoſition, but out of a natural Propenſity he has to Malice, and a particular Inclination of doing Miſchief. What elſe could provoke him to Libel the Court, *Blaſpheme* Kings, *abuſe the whole* Scotch Nation, *rail at the greateſt Part of his own, and lay all the Indignities imaginable on the only Eſtabliſh'd Religion? And we muſt now Congratulate him this Felicity, that there is no Sect or Denomination of Chriſtians, whom he has not abuſed.* Page 87.

Thus far his Arms have with Succeſs been crown'd.

Let Turks, Jews, *and* Infidels *look to themſelves; he has already begun the War upon them. When once a Conqueror grows thus dreadful, 'tis the Intereſt of all his Neighbours to oppoſe him; for there is no Alliance to be made with one that will face about, and deſtroy his Friends, and, like a ſecond* Almanzor, *change Sides meerely to keep his Hand in Ure. This Heroick Temper of his has created him ſome Enemies, that did by no means affect Hoſtility; and he may obſerve this Candor in the Management, that none of his Works are concern'd in theſe Papers, but his laſt Piece; and I believe he is ſenſible this is a Favour. I was not ambitious of Laughing at any Perſwaſion, or making Religion the Subject of ſuch a Trifle;*

ſo

Digitized by Google

ſo that no Man is here concern'd, but the Author himſelf, and nothing ridicul'd but his way of arguing.

But, Gentlemen, if you won't take it ſo, you muſt grant my Excuſe is more reaſonable than our Author's to the Diſſenters.

THE

Digitized by Google

THE HIND AND THE PANTHER

Transvers'd to the Story of the *Country-Mouse* and the *City-Mouse*.

Bayes. Johnson. Smith.

Johnson.

HAH! my old Friend Mr. *Bayes*, what lucky Chance has thrown me upon you? Dear Rogue, let me embrace thee.

Bayes. Hold; at your Peril, Sir, stand off, and come not within my Sword's Point; for, if you are not *come over to the Royal Party, I expect neither fair War, nor fair Quarter from you.* Pref. p. 4.

Digitized by Google

Johns. How, draw upon your Friend? and assault your old Acquaintance? O my *Conscience*, my Intentions were honourable.

Bayes. Conscience! Ay, ay, I know the Deceit of that Word well enough; let me have the *Marks* of your *Conscience* before I trust it; for if it be not of the same Stamp with mine, Gad I may be *knock'd down* for all your fair Promises.

Pref. *ibid.*

Smith. Nay, prithee, *Bayes*, what damn'd Villany hast thou been about that thou'rt under these Apprehensions? Upon my Honour I'm thy Friend; yet thou lookest as sneaking and frighted as a Dog that has been worrying Sheep.

Bayes. Ay, Sir, *The Nation is in too high a Ferment for me to expect any Mercy*, or, I'gad, to trust any Body.

Pref. *ibid.*

Smith. But why this to us, my old Friend, who you know never trouble our Heads with National Concerns, till the third Bottle has taught us as much of Politicks, as the next does of Religion?

Bayes. Ah, Gentlemen, leave this Prophaneness; I am alter'd since you saw me, and cannot bear this loose Talk now: Mr. *Johnson*, you are a Man of Parts, let me desire you to read *the Guide of Controversy*; and Mr. *Smith*, I would recommend to you *the Considerations on the Council of Trent*; and so, Gentlemen, your humble Servant —— *Good Life be now my Task.*

Page 5.

Johns.

Digitized by Google

Johns. Nay, Faith, we won't part so: Believe us we are both your Friends; let us step to the *Rose* for one Quarter of an Hour, and talk over old Stories.

Bayes. I ever took you to be Men of Honour, and for your sakes I will transgress as far as one Pint.

Johns. Well, Mr. *Bayes*, many a merry Bout have we had in this House, and shall have again I hope: Come, what Wine are you for?

Bayes. Gentlemen, do you as you please; for my part, he shall bring me a single Pint of any thing.

Smith. How so, Mr. *Bayes*, have you lost your Palate? you have been more curious.

Bayes. True, I have so; but *Senses* must be *starv'd*, that the *Soul* may be *gratified.* Page 21. Men of your Kidney make the *Senses* the *Supreme Judge*, and therefore bribe 'em high, but we have laid both the Use and Pleasure of 'em aside.

Smith. What, is not there good eating and drinking on both Sides? You make the Separation greater than I thought it.

Bayes. No, no; whenever you see a fat Rosy-colour'd Fellow, take it from me, he Ibid. is either a Protestant or a *Turk.*

Johns. At that rate, Mr. *Bayes*, one might suspect your Conversion; methinks thou hast as much the Face of an *Heretick* as ever I saw.

Digitized by Google

Page 5. *Bayes. Such was I, such by Nature still I am.* But I hope e're long I shall have drawn this *pamper'd Paunch* fitter for the *straight Gate.*

Smith. Sure, Sir, you are in ill Hands, your Confessor gives you more severe Rules than he practises; for not long ago, a *fat Friar* was thought a *true Character.*

Bayes. Things were misrepresented to me: I confess I have been unfortunate in some of my Writings; but since you have put me upon that Subject, I'll show you a thing I have in my Pocket shall wipe off all that, or I am mistaken.

Smith. Come, now thou art like thy self again. Here's the *King's* Health to thee — Communicate.

Bayes. Well, Gentlemen, here it is; and I'll be bold to say, the exactest Piece the World ever saw, a *Non-Pareillo* I'faith. But I must bespeak your Pardons, if it reflects any thing upon your Persuasion.

Johns. Use your Liberty, Sir; you know we are no *Bigots.*

Bayes. Why, then you shall see me lay the *Reformation* on its back, I'gad, and justify our Religion by way of *Fable.*

Johns. An apt Contrivance indeed! what, do you make a *Fable* of your *Religion?*

Bayes. Ay, I'gad, and without Morals too; for I tread in no Man's Steps; and to show you how far I can out-do any thing that ever was

Digitized by Google

was writ in this Kind, I have taken *Horace*'s Deſign, but, I'gad, have ſo out-done him, you ſhall be aſham'd for your *old Friend*. You remember in him the *Story* of the *Country-Mouſe*, and the *City-Mouſe*: What a plain ſimple thing it is; it has no more Life and Spirit in it, I'gad, than a Hobby-horſe; and his *Mice* talk ſo meanly, ſuch common Stuff, ſo like *meer Mice*, that I wonder it has pleas'd the World ſo long. But now will I undeceive *Mankind*, and teach 'em to *heighten*, and *elevate a Fable*. I'll bring you in the very ſame *Mice* diſputing the Depth of *Philoſophy*, ſearching into the Fundamentals of *Religion*, quoting *Texts*, *Fathers*, *Councils*, and all that, I'gad, as you ſhall ſee either of 'em could eaſily make an Aſs of a *Country Vicar*. Now whereas *Horace* keeps to the dry naked Story, I have more Copiouſneſs than to do that, I'gad. Here I draw you general *Characters*, and deſcribe all the *Beaſts* of the *Creation*; there I launch out into long *Digreſſions*, and leave my *Mice* for twenty Pages together; then I fall into *Raptures*, and make the fineſt *Soliloquies*, as would raviſh you. Won't this do, think you?

Johnſ. Faith, Sir, I don't well conceive you; all this about two *Mice?*

Bayes. Ay, why not? Is it not great and Heroical? But come, you'll underſtand it better when you hear it; and pray be as ſe-

vere

vere as you can; I'gad, I defy all *Criticks*. Thus it begins:

Page 1. *A Milk-white* Mouſe *immortal and unchang'd,*
Fed on ſoft Cheeſe, and o're the Dairy *rang'd*;
Without, unſpotted; innocent within,
She fear'd no Danger, for ſhe knew no Ginn.

Johnſ. Methinks, Mr. *Bayes*, ſoft Cheeſe is a little too coarſe Diet for an *immortal Mouſe*; were there any Neceſſity for her eating, you ſhould have conſulted *Homer* for ſome *Cœleſtial Proviſion*.

Bayes. Faith, Gentlemen, I did ſo; but indeed I have not the *Latin* one, which I have mark'd, by me, and could not readily find it in the Original.

Page 1. *Yet had ſhe oft been* ſcar'd by bloody Claws
Of *winged* Owls, and ſtern *Grimalkins* Paws
Page 2. *Aim'd at her* deſtin'd Head, which made her fly,
Tho' ſhe was *doom'd to Death*, and *fated not to dye*.

Smith. How came She that *fear'd no Danger* in the Line before, to be ſcar'd in this, Mr. *Bayes*?

Bayes. Why then you may have it *chas'd*, if you will; for I hope a Man may run away without being *afraid*, mayn't he?

Johnſ. But pray give me leave; how was She *doom'd to Death*, if She was *fated not to dye*: Are not *Doom* and *Fate* much the ſame thing?

Bayes.

Digitized by Google

Bayes. Nay, *Gentlemen*, if you queſtion my Skill in the Language, I'm your humble Servant; the *Rogues* the *Criticks*, that will allow me nothing elſe, give me that; ſure I that made the Word, know beſt what I meant by it: I aſſure you, *doom'd* and *fated*, are quite different things.

Smith. Faith, Mr. *Bayes*, if you were *doom'd* to be hang'd, whatever you were *fated* to, 'twould give you but ſmall Comfort.

Bayes. Never trouble your Head with that, Mr. *Smith*, mind the Buſineſs in hand.

Not ſo her young; their Linſy-woolſy *Line,*
Was Hero's Make, half Human, half Divine. Page 2.

Smith. Certainly theſe *Heroes*, *half Human*, *half Divine*, have very little of the *Mouſe* their *Mother*.

Bayes. Gadſokers! Mr. *Johnſon*, does your Friend think I mean nothing but a *Mouſe* by all this? I tell thee, Man, I mean a *Church*, and theſe young Gentlemen her Sons, ſignify *Prieſts*, *Martyrs*, and *Confeſſors*, that were hang'd in *Oats*'s *Plot*. There's an excellent *Latin* Sentence, which I had a mind to bring in, *Sanguis Martyrum Semen Eccleſiæ*, and I think I have not wrong'd it in the Tranſlation.

Of

Digitized by Google

Page 2. *Of theſe a ſlaughter'd Army lay in Blood,*
Whoſe ſanguine Seed increas'd the ſacred Brood;
Page 3. *She multiply'd* by theſe, *now rang'd alone,*
And wander'd in the Kingdoms once her own.

Smith. Was She *alone* when *the ſacred Brood was increaſed.*

Bayes. Why, thy Head's running on the *Mouſe* again; but I hope a *Church* may be *alone*, tho' the *Members* be *increaſed*, mayn't it?

Johnſ. Certainly, Mr. *Bayes*, a *Church* which is a *diffuſive Body of Men*, can much leſs be ſaid to be *alone.*

Bayes. But are you really of that Opinion? Take it from me, Mr. *Johnſon*, you are wrong; however, to oblige you, I'll clap in ſome *Simile* or other, about the *Children of Iſrael*, and it ſhall do.

Smith. Will you pardon me one Word more, Mr. *Bayes?* What could the *Mouſe* (for I ſuppoſe you mean her now) do more than *range* in the *Kingdoms*, when they were her own?

Bayes. Do? why She *reign'd*; had a *Diadem*, *Scepter* and *Ball*, till they depos'd her.

Smith. Now her Sons are ſo *increas'd*, She may try t'other pull for't.

Bayes. I'gad, and ſo She may before I have done with Her; it has coſt me ſome Pains to clear Her Title. Well, but Mum for that, Mr. *Smith.* *The*

Digitized by Google

The common Hunt, She timorously pass'd by, Page 3.
For they made tame, *disdain'd Her Company*;
They grin'd, She in a fright *tript* o're the Green,
For She was *lov'd*, where-ever She was *seen*.

Johns. Well said little *Bayes*; I'faith the Critick must have a great deal of leisure, that attacks those Verses.

Bayes. I'gad, I'll warrant him, who e're he is, *offendet solido*; but I go on.

The Independent Beast——— Page 31

Smith. Who is that, Mr. *Bayes*?

Bayes. Why, a *Bear*: Pox, is not that obvious enough?

——*In Groans Her Hate express'd.*

Which, I'gad, is very natural to that *Animal*. Well! there's for the *Independent*: Now the *Quaker*; what do you think I call him?

Smith. Why, a *Bull*, for ought I know.

Bayes. A *Bull!* O Lord! A Bull! no, no, a *Hare*, a *quaking Hare* —— *Amarillis*, because She wears *Armour*, 'tis the same Figure; and I am proud to say it, Mr. *Johnson*, no Man knows how to *pun* in *Heroics* but my self. Well, you shall hear.

She thought, and Reason good, the *quaking Hare* Page 31
Her cruel Foe, because *She would not swear*,
And had *profess'd Neutrality*.

Digitized by Google

Johns. A shrewd Reason that, Mr. *Bayes*; but what Wars were there?

Bayes. Wars! why, there had been bloody Wars, tho' they were pretty well reconcil'd now. Yet to bring in two or three such fine things as these, I don't tell you the Lyon's Peace was proclaimed till fifty Pages after, tho' 'twas really done before I had finish'd my Poem.

Page 3. *Next Her, the Buffoon Ape* his Body *bent,*
And paid at Church a Courtier's Compliment.

That gauls somewhere; I'gad I can't leave it off, tho' I were cudgell'd every Day for it.

Page 4. *The brist'd* Baptist *Boar, impure as he.*

Smith. As who?

Bayes. As the *Courtier*; let 'em e'en take it as they will, I'gad, I seldom come amongst 'em.

Page 10. *Was whiten'd with the Foam of Sanctity.*
The Wolf with Belly-gaunt his rough Crest rears,
And pricks up.——Now in one Word will I abuse the whole Party most damnably ——*and pricks up*——I'gad, I am sure you'll laugh ——*his predestinating Ears.* Prithee Mr. *Johnson*, remember little *Bayes*, when next you see a *Presbyterian*, and take notice if he has not *Predestination* in the Shape of his *Ear*: I have studied Men so long,

Digitized by Google

long, I'll undertake to know an *Arminian*, by the setting of his Wig.

His predestinating Ears. I'gad, there's ne're a *Presbyterian* shall dare to show his Head without a Border: I'll put 'em to that Expence.

Smith. Pray, Mr. *Bayes*, if any of 'em should come over to the *Royal Party*, would their Ears alter?

Bayes. Would they? Ay, I'gad, they would shed their *Fanatical Lugs*, and have just such well-turn'd *Ears* as I have; mind this *Ear*, this is a true *Roman Ear*, mine are much chang'd for the better within this two Years.

Smith. Then, if ever the Party should chance to fail, you might lose 'em; *for what may change, may fall.*

Bayes. Mind, mind——

These fiery Zuinglius, *meagre* Calvin *bred.* Page 11.

Smith. Those, I suppose, are some Outlandish Beasts, Mr. *Bayes.*

Bayes. Beasts; a good Mistake! Why, they were the chief *Reformers*; but here I put 'em in so bad Company because they were Enemies to my *Mouse*; and anon when I am warm'd, I'gad, you shall hear me call 'em *Doctors*, *Captains*, *Horses*, and *Horsemen*, in the very same Breath. You shall hear how I go on now, Page 39

Digitized by Google

Page 11. Or elſe reforming *Corah* ſpawn'd *this Claſs*,
When opening Earth made way for all to paſs.

Johnſ. For *all*, Mr. *Bayes*?

Bayes. Yes, they were *all* loſt there, but ſome of 'em were thrown up again at the *Leman-Lake*: as a Catholick *Queen* ſunk at *Charing-Croſs*, and roſe again at *Queenhith*.

Page 11. *The Fox and he came ſhuffled in the Dark,*
If ever they were ſtow'd in Noah's *Ark.*

Here I put a Quære, Whether there were any *Socinians* before the *Flood*, which I am not very well ſatisfied in? I have been lately apt to believe that the World was drown'd for that *Hereſy*; which among Friends made me leave it.

Page 12. *Quick'ned with Fire below, theſe Monſters breed*
In Fenny Holland, *and in Fruitful* Tweed.

Now to write ſomething new and out of the way, to elevate and ſurprize, and all that, I fetch, you ſee, this *Quickning Fire* from the Bottom of *Boggs* and *Rivers*.

Johnſ. Why, Faith, that's as ingenious a Contrivance as the *Virtuoſo*'s making a Burning-Glaſs of Ice.

Bayes. Why, was there ever any ſuch thing? Let me periſh, if ever I heard of it. The Fancy was ſheer new to me; and I thought

Digitized by Google

thought no Man had reconcil'd thoſe Elements but my ſelf. Well, Gentlemen! Thus far I have followed Antiquity; and as *Homer* has numbred his Ships, ſo I have rang'd my Beaſts. Here is my *Boar* and my *Bear*, and my *Fox*, and my *Wolf*, and the reſt of 'em, all againſt my poor *Mouſe*. Now, what do you think I do with all theſe?

Smith. Faith, I don't know; I ſuppoſe you make 'em fight.

Bayes. Fight! I'gad, I'd as ſoon make 'em dance. No, I do no earthly thing with 'em; nothing at all, I'gad: I think they have play'd their Parts ſufficiently already; I have walk'd 'em out, ſhow'd 'em to the Company, and rais'd your Expectation. And now whilſt you hope to ſee 'em bated, and are dreaming of Blood and Battels, they ſculk off, and you hear no more of 'em.

Smith. Why, Faith, Mr. *Bayes*, now you have been at ſuch Expence in ſetting forth Characters, it had been too much to have gone through with 'em.

Bayes. I'gad, ſo it had: And then I'll tell you another thing, 'tis not every one that reads a Poem through. And therefore I fill the firſt Part with Flowers, Figures, fine Language, and all that; and then I'gad ſink by degrees, till at laſt I write but little better than other People. And whereas moſt Authors *creep ſervilely* after the old Fellows, and

Digitized by Google

and ſtrive to grow upon their Readers; I take another Courſe, I bring in all my Characters together, and let 'em ſee I could go on with 'em; but, I'gad, I won't.

Johnſ. Could go on with 'em, Mr. *Bayes!* there's no body doubts that; You have a moſt particular Genius that way.

Bayes. Oh! dear Sir, You are mighty obliging: But I muſt needs ſay, at a *Fable* or an *Emblem*, I think no Man comes near me; indeed I have ſtudied it more than any Man. Did you ever take notice, Mr. *Johnſon*, of a little thing that has taken mightily about Town, a *Cat with a Top-knot*?

Johnſ. Faith, Sir, 'tis mighty pretty; I ſaw it at the Coffee-Houſe.

Bayes. 'Tis a Trifle hardly worth owning; I was t'other Day at *Will's* throwing out ſomething of that Nature; and I'gad, the Hint was taken, and out came that Picture; indeed the poor Fellow was ſo civil to preſent me with a Dozen of 'em for my Friends, I think I have one here in my Pocket; would you pleaſe to accept it, Mr. *Johnſon*?

Johnſ. Really 'tis very ingenious.

Bayes. Oh Lord! Nothing at all, I could deſign twenty of 'em in an Hour, if I had but witty Fellows about me to draw 'em. I was proffer'd a Penſion to go into *Holland*, and contrive their *Emblems*: But, hang 'em, they are dull Rogues, and would ſpoil my Invention. But come, Gentlemen, let us return

Digitized by Google

return to our Business, and here I'll give you a delicate Description of a Man.

Smith. But how does that come in?

Bayes. Come in? very naturally. I was talking of a *Wolf*, and that supposes a Wood; and then I clap an Epithet to't, and call it a *Celtic Wood*: Now when I was there, I could not help thinking of the *French Persecution*; and, I'gad, from all these Thoughts I took occasion to rail at the *French King*, and show that he was not of the same Make with other Men, which thus I prove.

The Divine Blacksmith *in th' Abyss of Light,* Page 15.
Yawning and lolling *with a careless Heat,*
Struck out the mute Creation at a Heat.
But he work'd hard to hammer out our Souls,
He blew the Bellows, and stirr'd up the Coals;
Long time he thought, and could not on a sudden
Knead up with unskim'd *Milk* this Reas'ning Page 16.
(Pudding:
Tender and mild within its Bag it lay,
Confessing still the Softness of its Clay,
And kind as Milk-Maids on their Wedding-day.
Till *Pride of Empire*, *Lust*, and hot Desire
Did over-boil him, like too great a Fire,
And understanding grown, *misunderstood*,
Burn'd him to th' Pot, and sour'd his curdled
(Blood.

John. But sure this is a little prophane, Mr. *Bayes*.

Bayes. Not at all: Does not *Virgil* bring in his God *Vulcan* working at the *Anvil*?

John.

Digitized by Google

Johns. Ay, Sir, but never thought his Hands the fitteſt to make a Pudding.

Bayes. Why, do you imagine him an Earthly dirty *Blackſmith*? 'Gad, you make it prophane indeed. I'll tell you there's as much Difference betwixt 'em, I'gad, as betwixt my Man and *Milton*'s. But now, Gentlemen, the Plot thickens, here comes my t'other Mouſe, the City Mouſe.

Page 19. A *ſpotted* Mouſe, the prettieſt next the White,
Ah! were her Spots waſh'd out, as pretty quite,
Page 23. With *Phylacteries* on her Forehead ſpread,
Page 22. *Crozier* in Hand, and *Miter* on her Head,
Three Steeples Argent on her Sable Shield;
Page 84. Liv'd in the *City*, and diſdain'd the *Field.*

Johns. This is a glorious *Mouſe* indeed! but, as you have dreſs'd her, we don't know whether ſhe be *Jew*, *Papiſt*, or *Proteſtant.*

Bayes. Let me embrace you, Mr. *Johnſon*, for that; you take it right. She is a mere *Babel* of *Religions*, and therefore ſhe's a *ſpotted Mouſe* here, and will be a *Mule* preſently. But to go on.

This Princeſs——

Smith. What *Princeſs*, Mr. *Bayes*?

Bayes. Why, this Mouſe; for I forgot to tell you, an *Old Lyon* made a *Left Hand Marriage* with her Mother, and begot *on her* Page 20. *Body Elizabeth Schiſm*, who was married to

Digitized by Google

to *Timothy Sacrilege*, and had Iſſue *Graceleſs Hereſy*: Who all give the ſame Coat with their Mother, *Three Steeples Argent*, as I told you before.

This Princeſs, tho' *eſtrang'd* from what was *beſt*, *Was leaſt Deform'd, becauſe Reform'd the leaſt.* Page 23.

There's *De* and *Re* as good I'gad as ever was.

She in a Maſquerade of Mirth and Love, Page 22.
Miſtook the Bliſs of *Heaven for Bacchinals above,*
And grubb'd the Thorns *beneath our tender Feet,*
To make the Paths of Paradiſe more ſweet.

There's a jolly Mouſe for you, let me ſee any body elſe that can ſhew you ſuch another. Here, now I have one damnable ſevere reflecting Line, but I want a Rhime to it; can you help me, Mr. *Johnſon*?

She——
Humbly content to be deſpis'd at Home,
Johnſ. Which is too narrow Infamy for ſome.
Bayes. Sir, I thank you; now I can go on with it.

Whoſe Merits are diffus'd from Pole to Pole, Page 63.
Where Winds can carry, and where Waves can rowl.

Johnſ. But does not this reflect upon ſome of your Friends, Mr. *Bayes*?

Bayes. 'Tis no matter for that, let me alone to bring my ſelf off. I'll tell you,

Digitized by Google

Lately I writ a damn'd Libel on a whole Party, ſheer Point and Satyr all through, I'gad. Call'd 'em Rogues, Dogs, and all the Names I could think of, but with an exceeding deal of Wit; that I muſt needs ſay. Now it happen'd before I could finiſh this Piece, the Scheme of Affairs was altered, and thoſe People were no longer Beaſts. Here was a Plunge now: Should I loſe my Labour, or libel my Friend? 'Tis not every Body's Talent to find a *Salvo* for this: But what do me I, but write a ſmooth delicate Preface, wherein I tell them that *the Satyr was not intended to them*; and this did the Buſineſs.

Smith. But if it was not intended to them againſt whom it was writ, certainly it had no Meaning at all.

Bayes. Poh! there's the Trick on't. Poor Fools, they took it, and were ſatisfied: And yet it maul'd 'em damnably, I'gad.

Smith. Why, Faith, Mr. *Bayes*, there's this very Contrivance in the *Preface* to *Dear Joys Jeſts.*

Bayes. What, a Devil, do you think that I'd ſteal from ſuch an Author? Or ever read it?

Smith. I can't tell; but you ſometimes read as bad. I have heard you quote *Reynard the Fox.*

Bayes. Why, there's it now; take it from me, Mr. *Smith*, there is as good *Morality*, and as ſound Precepts, in the *delectable Hiſtory*

Digitized by Google

ſtory of Reynard the Fox, as in any Book I know, except *Seneca*. Pray tell me where in any other Author could I have found ſo pretty a Name for a Wolf as *Iſgrim*? But prithee, Mr. *Smith*, give me no more trouble, and let me go on with my *Mouſe*.

One Ev'ning, when ſhe went away from Court, Page 29.
Levee's and Couchee's paſs'd without Reſort.

There's Court Language for you; nothing gives a Verſe ſo fine a turn, as an Air of good Breeding.

Smith. But methinks the *Levee's and Couchee's* of a *Mouſe* are too great, eſpecially when ſhe's walking from Court to the cooler Shades.

Bayes. I'gad, now have you forgot what I told you, that ſhe was a *Princeſs*. But pray mind; here the two Mice meet.

She met the Country Mouſe, whoſe *fearful Face* Page 16.
Beheld from far the common watering Place,
Nor durſt approach ——

Smith. Methinks, Mr. *Bayes*, this Mouſe is ſtrangely alter'd, ſince ſhe *fear'd no Danger*.

Bayes. Godſokers! Why, no more ſhe does not yet fear either Man or Beaſt; But, poor Creature, ſhe's afraid of the Water, for ſhe could not ſwim, as you ſee by this.

Digitized by Google

Page 30. *Nor durſt approach, till with an awful Roar,*
The Sovereign Lion bad her fear no more.

But beſides, 'tis above thirty Pages off, that I told you ſhe *fear'd no Danger*; and, I'gad, if you will have no Variation of the Character, you muſt have the ſame thing over and over again; 'tis the Beauty of Writing to ſtrike you ſtill with ſomething new. Well, but to proceed.

Page 30 But when ſhe had this ſweeteſt Mouſe *in view,*
Good *Lord, how ſhe admir'd her heavenly Hiew!*

Here now, to ſhow you I am Maſter of all Stiles, I let my ſelf down from the *Majeſty* of *Virgil*, to the *Sweetneſs* of *Ovid.*

Good *Lord, how ſhe admir'd her heavenly Hiew!*

What more eaſy and familiar! I writ this Line for the *Ladies*: The little Rogues will be ſo fond of me to find I can yet be ſo tender. I hate ſuch a rough unhew'n Fellow as *Milton*, that a Man muſt ſweat to read him; I'gad, you may run over this and be almoſt aſleep.

Th'Immortal Mouſe who ſaw the *Viceroy* come
So far to ſee Her, did invite her Home.

There's

Digitized by Google

There's a pretty Name now for the *Spotted Mouſe*, the *Viceroy!*

Smith. But pray, why d'e call her ſo?

Bayes. Why! becauſe it ſounds prettily: I'll call her the *Crown-General* preſently, if I've a mind to it. Well. Page 55.

——— did invite her Home
To ſmoak a Pipe, and o're a ſober Pot
Diſcourſe of *Oates*, and *Bedloe*, and the *Plot*. Page 31.
She made a Court'ſy, like a Civil Dame,
And, being *much a Gentlewoman*, came. Page 32.

Well, Gentlemen, here's my firſt Part finiſh'd, and I think I have kept my Word with you, and given it the *Majeſtick Turn of Heroick Poeſy*. The reſt *being Matter of Diſpute, I had not ſuch frequent Occaſion for the Magnificence of Verſe*, tho' I'gad they ſpeak very well. And I have heard *Men*, and *conſiderable Men* too, talk the very ſame things a great deal worſe.

Johnſ. Nay, without doubt, Mr. *Bayes*, they have received no ſmall Advantage from the Smoothneſs of your Numbers.

Bayes. Ay, ay, I can do it if I liſt; tho' you muſt not think I have been ſo dull as to mind theſe things my ſelf, but 'tis the Advantage of our *Coffee-Houſe*, that from their Talk one may write a very good *Polemical* Diſcourſe, without ever troubling one's Head with the Books of *Controverſy*. For I can take the ſlighteſt of their Arguments, and clap

Digitized by Google

clap 'em pertly into four Verſes, which ſhall ſtare any *London Divine* in the Face. Indeed your knotty Reaſonings with a long Train of *Majors* and *Minors*, and the Devil and all, are too barbarous for my Stile; but, I'gad, I can flouriſh better with one of theſe twinkling Arguments, than the beſt of 'em can fight with t'other. But we return to our *Mouſe*; and now I have brought 'em together, let 'em e'en ſpeak for themſelves, which they will do extremely well, or I am miſtaken: And pray obſerve, Gentlemen, if in one you don't find all the Delicacy of a luxurious City-Mouſe, and in the other all the plain Simplicity of a ſober ſerious Matron.

Page 32. *Dame, ſaid the Lady of the ſpotted Muff,*
Methinks your Tiff is ſour, your *Cates* mere ſtuff.

There, did not I tell you ſhe'd be nice?

Your Pipe's ſo foul, that I diſdain to ſmoak:
And the Weed worſe than e're *Tom. I—s took.*

Smith. I did not hear ſhe had a *ſpotted Muff* before.

Bayes. Why, no more ſhe has not now: but ſhe has a Skin that might make a *ſpotted Muff*. There's a pretty Figure now, unknown to the Ancients.

Leave,

Digitized by Google

Leave, leave († *she's earnest you see*) this hoary (*Shed* and lonely Hills, † *Poeta loquitur.*
And eat with me at *Grolean's*, smoak at *Will's*.
What Wretch would nibble on a Hanging-Shelf,
When at *Pontack's* he may *Regale* himself?
Or to the House of cleanly *Rhenish* go;
Or that at *Charing-Cross*, or that in *Channel-Row*?

Do you mark me now? I would by this represent the Vanity of a *Town-Fop*, who pretends to be acquainted at all those good Houses, though perhaps he ne'er was in 'em. But heark! she goes on.

Come, at a Crown a Head our selves we'll treat,
Champaign our Liquor, and *Ragousts* our Meat.
Then hand in hand we'll go to *Court*, dear *Cuz*,
To visit *Bishop Martin*, and *King Buz*.
With *Evening Wheels* we'll drive about the *Park*,
Finish at *Locket's*, and reel home i'th' Dark:
Break clattering Windows, and demolish Doors
Of English Manufactures----*Pimps*, and *Whores*. Page 63.

Johns. Methinks a *Pimp* or a *Whore* is an odd sort of a *Manufacture*, Mr. *Bayes*.

Bayes. I call 'em so, to give the Parliament a Hint not to suffer so many of 'em to be exported, to the Decay of Trade at home.

With these Allurements *Spotted* did invite,
From *Hermit's Cell*, the *Female Proselyte*.

Oh!

Digitized by Google

Oh! with what Eaſe we follow ſuch a Guide;
Where Souls are ſtarv'd, and Senſes gratify'd.

Now, would not you think ſhe's going? but, I'gad, you're miſtaken; you ſhall hear a long Argument about *Infallibility*, before ſhe ſtirs yet.

Page 65. But here the *White*, by *Obſervation wiſe*,
Who long on Heaven had fix'd her prying *Eyes*,
With thoughtful Countenance, and grave Re-
[mark,
Said, Or my Judgment fails me, or 'tis dark.
Leſt therefore we ſhould ſtray, and not go right,
Through the *brown Horror* of the Starleſs Night,
Page 37. Haſt thou *Infallibility*, *that Wight?*
Sternly the Savage grin'd, and thus reply'd:
That Mice may err, was never yet deny'd.
That I deny, ſaid the immortal Dame,
Page 37. There is a Guide---Gad, I've forgot his Name,
Who lives in *Heaven or Rome*, the Lord knows
[where;
Had we but him, Sweet-heart, we could not err.
Spotted Mouſe, *loquitur.* But heark you, Siſter, this is but a Whim;
For ſtill we want a *Guide* to find out Him.

Here, you ſee, I don't trouble my ſelf to keep on the Narration, but write *White Speaks*, or *Dapple Speaks*, by the Side. But when I get any noble Thought which I envy a *Mouſe* ſhould ſay, I clap it down in my own Perſon with a *Poeta loquitur*; which, take notice, is a ſurer Sign of a fine thing in my Writings, than a Hand in the Mar-

Digitized by Google

Margin any where else. Well, now says *White:*

What need we find Him, we have certain Proof
That he is somewhere, *Dame*, and that's enough?
For if there is a *Guide* that knows the Way,
Although we know not him, we cannot stray.

That's true, I'Gad: Well said, *White.* You see her Adversary has nothing to say for her self, and therefore to confirm the Victory, she shall make a *Simile.*

Smith. Why, then I find Similes are as good after Victory, as after a Surprize.

Bayes. Every jot, I'Gad, or rather better. Well, she can do it two Ways, either about *Emission* or *Reception* of Light, or else about *Epsom-Waters*; but I think the last is most familiar; therefore speak, my pretty one. Page 37.

As though 'tis controverted in the *School*,
If *Waters* pass by *Urine* or by *Stool*;
Shall we who are *Philosophers*, thence gather
From this Dissention that they work by neither.

And I'Gad, she's in the right on't; but mind now, she comes upon her swop!

All this I did, your Arguments to try.

And I'Gad, if they had been never so good, this next Line confutes 'em.

Hear, and be dumb, thou Wretch, *that Guide am I.* Page 54.

Digitized by Google

There's a Surprize for you now! How ſneakingly t'other looks? Was not that pretty now, to make her ask for a *Guide* firſt, and then tell her ſhe was one? Who could have thought that this little *Mouſe* had the *Pope* and a whole *General Council* in her Belly? Now Dapple had nothing to ſay to this; and therefore you'll ſee ſhe grows peeviſh.

Come, leave your Cracking Tricks, and as (they ſay,
Page 101. Uſe not that Barber that trims Time, Delay;
Which I'gad is new, and my own.
I've Eyes as well as you to find the Way.

Then on they jogg'd, *and ſince an Hour of Talk*
Might cut a Banter *on the tedious Walk*;
As I remember, ſaid the ſober Mouſe,
I've heard much Talk of the *Wits Coffee-Houſe*.
Thither, ſays *Brindle*, thou ſhalt go, and ſee
Prieſts ſipping *Coffee*, *Sparks* and *Poets Tea*;
Here rugged Freeze, there Quality well dreſt,
Theſe baffling the *Grand-Signior*, thoſe the *Teſt*.
And hear ſhrew'd Gueſſes made, and Reaſons (giv'n,
Page 111. That human Laws were never made in Heaven.
But above all, what ſhall oblige thy Sight,
And fill thy Eye-Balls with a vaſt Delight;
Is the *Poetic Judge* of Sacred *Wit*,
Who do's i'th' *Darkneſs of his Glory ſit*.
Page 28. *And as the Moon who firſt receives the Light,*
With which ſhe makes theſe nether Regions bright;
So does He ſhine, reflecting from afar,
The Rays he borrow'd from a better Star:

For

Digitized by Google

For Rules which from *Corneille* and *Rapin* flow,
Admir'd by all the ſcribling Herd below.
From *French Tradition* while he does diſpence,
Unerring Truths, 'tis Schiſm, a damn'd Offence
To queſtion his, or truſt your private Senſe.

Hah! Is not that right, Mr. *Johnſon*? Gad forgive me, he is faſt aſleep! Oh the damn'd Stupidity of this Age! aſleep! Well, Sir, ſince you'r ſo drouzy, your humble Servant.

Johnſ. Nay, pray Mr. *Bayes*, Faith I heard you all the while. *The White Mouſe.*

Bayes. The White Mouſe! ay, ay, I thought how you heard me. Your Servant, Sir, your Servant.

Johnſ. Nay, dear *Bayes*, Faith I beg thy Pardon; I was up late laſt Night; Prithee lend me a little Snuff, and go on.

Bayes. Go on! Pox, I don't know where I was. Well, I'll begin. Here, mind, now they are both come to Town.

But now at *Piccadilly* they arrive,
And taking Coach, t'wards *Temple-Bar* they drive;
But at St. *Clement's Church*, eat out the Back;
And ſlipping through the *Palſgrave*, bilkt poor *Hack.*

There's the *Utile* which ought to be in all Poetry. Many a *young Templer* will ſave his Shilling by this Stratagem of my Mice.

Digitized by Google

Smith. Why, will any *young Templer* eat out the Back of a Coach?

Bayes. No, I'gad; but you'll grant it is mighty natural for a Mouſe.

Thence to the *Devil*, and aſk'd if *Chanticleer*,
Page 133. *Of Clergy kind*, or Councellor *Chough* was there;
Or Mr. *Dove*, a Pigeon of Renown,
Page 126. *By his high Crop, and corny Gizzard known*;
Page 130. *Or Siſter* Partlet, *with the Hooded Head*:
No, Sir; She's *booted hence*, ſaid *Will*, and fled.
Why ſo? *Becauſe ſhe would not pray a-Bed.*

Johnſ. aſide. 'Sdeath! Who can keep awake at ſuch Stuff? Pray, Mr. *Bayes*, lend me your Box again.

Bayes. Mr. *Johnſon*, How d'e like that Box? Pray take notice of it, 'twas given me by a *Perſon* of *Honour* for looking over a Paper of Verſes; and indeed I put in all the Lines that were worth any thing in the whole Poem. Well, but where were we? Oh! here they are, juſt going up Stairs into the *Apollo*; from whence my White takes Occaſion to talk very well of *Tradition*.

Thus to the Place where *Johnſon* ſat, we climb,
Leaning on the ſame Rail that guided him.
And whilſt we thus on equal Helps rely,
Page 45. Our Wit muſt be as true, our Thoughts as high.
For as an *Author* happily compares
Tradition to a well-fix'd pair of *Stairs*,
So this the *Scala Sancta* we believe,
By which his *Traditive Genius* we receive.

Thus

Thus every Step I take, my Spirits soar,
And I grow more a *Wit*, and more, and more.

There's Humour! Is not that the liveliest Image in the World of a Mouse's going up a Pair of Stairs, *More a Wit, and more and more?*

Smith. Mr. *Bayes*, I beg your Pardon heartily; I must be rude, I have a particular Engagement at this Time, and I see you are not near an end yet.

Bayes. Godsokers! Sure you won't serve me so: All my finest Descriptions and best Discourse is yet to come.

Smith. Troth, Sir, if 'twere not an extraordinary Concern I could not leave you.

Bayes. Well; but you shall take a little more; and here I'll pass over two dainty *Episodes* of *Swallows*, *Swifts*, *Chickens*, and *Buzzards*.

Johns. I know not why they should come in, except to make yours the longest *Fable* that ever was told.

Bayes. Why, the Excellence of a *Fable* is in the length of it. *Æsop* indeed, like a Slave as he was, made little, short, simple Stories, with a dry Moral at the End of 'em; and could not form any noble Design. But here I give you *Fable* upon *Fable*; and after you are satisfied with Beasts in the first Course, serve you up a delicate Dish of Fowl for the second: Now I was at all this pains to abuse one particular Person; for I'gad, I'll tell

Digitized by Google

tell you what a Trick he ſerv'd me. I was
Varillas. once tranſlating a very good *French Author*, but being ſomething long about it, as you know a Man is not always in the Humour; What does this *Jack* do, but puts out an Anſwer to my Friend before I had half finiſhed the Tranſlation: So there was three whole Months loſt upon his Account. But I think I have my Revenge on him ſufficiently; for I let all the World know, that
Page 137. he is a *tall*, *broad-back'd*, *luſty Fellow*, of a *brown Complexion*, *fair Behaviour*, a *fluent Tongue*, and *taking* amongſt the *Women*; and to top it all; that he's much a *Scholar*, more a *Wit*, and owns but *two Sacraments*. Don't you think this Fellow will hang himſelf? But beſides, I have ſo nick'd his Character in a Name as will make you ſplit. I call him----I'gad, I won't tell you unleſs you remember what I ſaid of him.

Smith. Why, That he was much a *Scholar*, and more a *Wit*——.

Bayes. Right; and his Name is *Buzzard*, ha! ha! ha.

Johnſ. Very proper indeed, Sir.

Bayes. Nay, I have a further Fetch in it yet than perhaps you imagine; for his true Name begins with a *B*, which makes me ſlily contrive him this, to begin with the ſame Letter: There's a pretty Device, Mr. *Johnſon*; I learn'd it, I muſt needs confeſs, from that ingenious Sport, I love my Love with

an

Digitized by Google

an *A*, becauſe ſhe is *Amiable*; and if you could but get a Knot of merry Fellows together, you ſhould ſee how *little Bayes* would top 'em all at it, I'gad.

Smith. Well, but good Faith, Mr. *Bayes*, I muſt leave you, I am half an Hour paſt my time.

Bayes. Well, I've done, I've done. Here are eight hundred Verſes upon a rainy Night, and a Bird's-Neſt; and here's three hundred more, tranſlated from two *Paris Gazettes*, in which the *Spotted Mouſe* gives an Account of the Treaty of Peace between the *Czars* of *Muſcovy*, and the *Emperor*; which is a Piece of News *White* does not believe, and this is her Anſwer. I am reſolv'd you ſhall hear it, for in it I have taken Occaſion to prove *Oral Tradition* better than *Scripture*. Now you muſt know, 'tis ſincerely my Opinion, that it had been better for the World, if we ne'er had any *Bibles* at all.

E're that *Gazette* was printed, ſaid the *White*,
Our Robin told another Story quite;
This *Oral Truth* more ſafely I believ'd,
My Ears cannot, your Eyes may be deceiv'd.
By Word of Mouth unerring Maxims flow,
And *Preaching*'s beſt, if underſtood, or no.
Words, I confeſs, *bound by, and trip ſo light*, Page 3.
We have not time to take a ſteady Sight;
Yet fleeting thus are plainer, than when writ,
To long Examination they ſubmit.

Hard

Digitized by Google

Hard things——Mr. *Smith*, if theſe two Lines don't recompence your Stay, ne'er truſt *John Bayes* again.

Hard things at the firſt Bluſh are clear and full;
Page 15. *God mends on ſecond Thoughts*, but Man grows dull.

I'gad, I judge of all Men by my ſelf; 'tis ſo with me, I never ſtrove to be very exact in any thing but I ſpoil'd it.

Smith. But allowing your Character to be true, is it not a little too ſevere?

Bayes. 'Tis no matter for that; theſe general Reflections are daring, and ſavour moſt of a *noble Genius*, that ſpares neither *Friend* nor *Foe*.

Johnſ. Are you never afraid of a drubbing for that *daring* of your *noble Genius*?

Bayes. Afraid! Why, *Lord*, you make ſo much of a beating, I'gad 'tis no more to me than a Flea-biting. No, no; if I can but be witty upon 'em, let 'em e'en lay on, I'Faith, I'll ne'er baulk my Fancy to ſave my Carcaſs. Well, but we muſt diſpatch, Mr. *Smith*.

Thus did they merrily carouſe all Day,
And like the gaudy Fly their Wings diſplay,
And ſip the Sweets, and buſk in great Apollo's *Ray.*

Well, there's an End of the Entertainment; and, Mr. *Smith*, if your Affairs would

Digitized by Google

would have permitted, you would have heard the beſt *Bill of Fare* that ever was ſerv'd up in *Heroicks*: But here follows a Diſpute ſhall recommend it ſelf, I'll ſay nothing for it. For *Dapple*, who you muſt know was a *Proteſtant*, all this while truſts her own Judgment, and fooliſhly diſlikes the Wine; upon which our *Innocent* does ſo run her down, that ſhe has not one Word to ſay for her ſelf, but what I put in her Mouth; and I'gad, you may imagine they won't be very good ones, for ſhe has diſobliged me, like an *Ingrate*.

Sirrah, ſays *Brindle*, Thou haſt brought us Wine,
Sowre to my Taſte, and to my Eyes unfine.
Says *Will*, all *Gentlemen* like it. Ah! ſays *White*,
What is approv'd by them, muſt needs be right.
'Tis true, I thought it bad; but if the Houſe Page 38.
Commend it, I ſubmit; a private Mouſe.

Mind that, mind the *Decorum*, and Deference, which our Mouſe pays to the Company.

Nor to their *Catholic* Conſent oppoſe
My erring Judgment, and reforming Noſe.

Ah! ah! there ſhe has nickt her; that's up to the Hilts, I'gad, and you ſhall ſee *Dapple* reſents it.

Digitized by Google

Why, what a-Devil ſhan't I truſt my Eyes?
Muſt I drink *Stum* becauſe the *Raſcal* lyes?
And palms upon us *Catholic* Conſent,
To give *Sophiſticated Brewings* Vent.
Page 5, Says *White*, What ancient Evidence can ſway,
If you muſt argue thus, and not obey?
Drawers muſt be truſted, through whoſe Hands (convey'd,
You take the *Liquor*, or you ſpoil the *Trade*.
For ſure thoſe *honeſt Fellows* have no knack
Of putting off *ſtum'd Claret* for *Pontack*.
How long, alas! would the poor Vintner laſt,
If all that drink muſt *judge*, and every *Gueſt*
Be allow'd to have an underſtanding *Taſte*?
Thus ſhe: Nor could the Panther well enlarge,
With weak Defence, againſt ſo ſtrong a Charge.

There I call her a *Panther*, becauſe ſhe's ſpotted; which is ſuch a Blot to the *Reformation*, as I warrant 'em they will never claw off, I'Gad.

But with a *weary Yawn* that ſhew'd her Pride,
Said, *Spotleſs* was a *Villain*, and ſhe *ly'd*.
White ſaw her *canker'd Malice* at that Word,
And ſaid her Prayers, and drew her *Delphic* (*Sword*.
T'other cry'd *Murther*, and her *Rage reſtrain'd*;
And thus her paſſive Character maintain'd.
But now, alas----

Mr. *Johnſon*, pray mind me this: Mr. *Smith*, I'll ask you to ſtay no longer, for this

Digitized by Google

this that follows is so engaging; hear me but two Lines, I'Gad, and go away afterwards if you can.

But now, alas, I grieve, I grieve to tell,
What sad Mischance these pretty Things *befel,*
These Birds of Beasts——

There's a tender Expression, *Birds of Beasts*: 'Tis the greatest Affront that you can put upon any *Bird*, to call it, *Beast of a Bird*; and a *Beast* is so fond of being call'd a *Bird*, as you can't imagine. Page 129.

These Birds of Beasts, these learned Reas'ning (Mice,
Were separated, banish'd in a trice.
Who would be learned for their sakes, who wise?

Ay, who indeed? There's a *Pathos*; I'Gad, Gentlemen, if that won't move you, nothing will, I can assure you: But here's the sad thing I was afraid of.

The *Constable* alarum'd by this Noise,
Enter'd the Room, directed by the Voice,
And speaking to the *Watch, with Head aside,* Page 135.
Said, Desperate Cures must be to desperate Ills apply'd.
These *Gentlemen*, for so their Fate decrees,
Can ne'er enjoy at once *the Butt and Peace.* Page 115.
When each have separate Interests of their own, Page 144.
Two Mice are one too many for a Town.
By *Schism* they are torn; and therefore, *Brother*,
Look you to one, and I'll secure the other.

Digitized by Google

Now, whether *Dapple* did to *Bridewell* go,
Page 98. Or in the *Stocks* all Night her Fingers blow,
Or in the *Compter* lay, concerns not us to know.
But the *immortal Matron, ſpotleſs White,*
Fogetting *Dapple*'s Rudeneſs, Malice, Spight,
Look'd kindly back, and wept, and ſaid, *Good Night.*
Page 145. *Ten thouſand Watchmen waited* on this Mouſe,
With Bills and Halberds to her Country-Houſe.

This laſt Contrivance I had from a judicious Author, that makes *Ten Thouſand Angels* wait upon his *Hind*, and ſhe aſleep too, I'Gad——.

Johnſ. Come, let's ſee what we have to pay.

Bayes. What a-Pox, are you in ſuch haſt? You han't told me how you like it.

Johnſ. Oh, extremely well. Here, Drawer.

AN

Digitized by Google

An EPISTLE
TO
Joſeph Addiſon, Eſq;

Occaſion'd by the DEATH

Of the Right Honourable

CHARLES,
Late Earl of *HALIFAX.*

AND ſhall Great HALIFAX reſign to (Fate,
And not one Bard upon his Aſhes wait?
Or is with Him all Inſpiration fled,
And lie the Muſes with their Patron Dead?
Convince us, ADDISON, his Spirit reigns
Breathing again in thy Immortal Strains: To

Digitized by Google

To Thee the liſt'ning World impartial bends,
Since HALIFAX and Envy now are Friends.

Me deeply ſmit with Love of Nature's Laws,
The Vital Union, and Diſſolving Cauſe,
His Worth tranſports beyond this fleeting Frame,
To tell how Dying Patriots live in Fame;
Virtues like his, the meaneſt Bard can raiſe;
And 'tis Ambition but to ſtrive to praiſe.

When Scenes of Action are obſcure and low,
Nature moves ſilent, and advances ſlow;
Defers to diſtant Days, and Ages fit,
The Pow'rs of Genius, and the Fires of Wit.
She ſuits her Times of Wonder to her Men,
And to a CÆSAR gives a VIRGIL's Pen:
When Toils are deſtin'd for the Brave or Wiſe,
A NASSAU, and a MONTAGUE ariſe.

Yet

Digitized by Google

Yet Virtue often ſullen and retir'd,
Shines to her ſelf, nor cares to be admir'd;
Diſtruſting Fortune, or by Fears betray'd,
Round her own Merit caſts an Envious Shade.
The Patriot-Soul with warmer Notions fir'd,
Or by ſome ſecret Providence inſpir'd,
Waits with Impatience for the Publick Voice,
And owes his uſeful Greatneſs to his Choice;
Ev'n when excluded from more Noble Views,
Some lower Tract of Glory ſtill perſues.
Thus PHILIP's Son ARBELA yet unfought,
With the Great *Stagyrite* in private thought:
Thus JULIUS once to Eloquence laid Claim,
And HALIFAX firſt choſe the Poets Fame.

O ADDISON! aſſert the *Poet-Race*,
And ſave the Kindred *Muſes* from Diſgrace.
Say, by the Pow'rs of heav'nly Numbers taught,
How *Monarchs* govern'd, and how *Heroes* fought,
When

Digitized by Google

When yet *Morality* in Verſe was ſung,
And Lyres by none but hallow'd Fingers ſtrung;
When Bards unpractis'd in the Arts of Praiſe,
Flatter'd no TYRANTS in their ſervile Lays,
And ſcorn'd to gild in proſtituted Rhimes,
An OX——D's Treaſons, or a BOURBON's Crimes.
They choſe their Themes like HALIFAX and *You*,
Selected Spirits, and the Virtuous *Few*,
Who founded Laws or baniſh'd Faith reſtor'd,
Or for their Country drew the righteous Sword,
Fit Objects to employ the Voice Divine
Of CATO's, NASSAU's, or of BRUNSWICK's Line.

Fir'd with theſe Names the Muſe ambitious tow'rs,
Fond of her Theme, forgetful of her Pow'rs;
But ſoon ſhe falters, and to you reſigns
The Rival Majeſty of VIRGIL's Lines;
Content, if her inferior rude Eſſays
Hurt not his Aſhes, whom they meant to praiſe.

Ye

Ye murm'ring Sons of *Phœbus*, call no more
The Banks of *Helicon* a Barren Shore;
The Gods their Favourites thence to Honours bring,
And kindly raiſe them on the Muſes Wing.
There MONTAGUE with ſecret Rapture warm'd,
At CHARLES's Urn * the liſt'ning Shepherds charm'd;
So much the God indulg'd the youthful Lays,
SPENSER might own the Song, and SIDNEY praiſe;
So well he ſhar'd the Character he writ,
The *gentleſt Manners*, and the *ſtrongeſt Wit*.

Succeeding Days require no pious Strain;
For ah! what Tongue can ſing when *Tyrants* reign?
Who wake the String, or tune the ſprightly Reeds,
To Notes of Pleaſure, when his *Country* bleeds?
APOLLO, then no more thy Sons inſpire,
Then blaſt the Hand that dares provoke the Lyre,

* His Lordſhip's Poem on the Death of King *Charles* the IId.

Digitized by Google

Or ſtain their Actions with unhallow'd Rhimes,
And *Bavius*'s and *D——y*'s damn their Times.

But ſee! the Clouds of *Romiſh* Night diſperſe,
And WILLIAM gives a brighter Theme for Verſe:
As a Brave Champion half his Force conceals,
'Till he ſome new uncommon Impulſe feels,
Then meets an Object worthy of the Fight,
And puts forth all the Wonders of his Might;
His Foes ſtand trembling, and his Friends admire,
Where ſlept the hidden Strength and ſecret Fire:
Thus HALIFAX's Muſe, till WILLIAM came,
Check'd half her Vigour, and reſtrain'd her Flame;
Then ſoaring boldly with no middle Wing,
O'er Earth and Seas perſu'd the Godlike KING,
Fill'd with new Fury ev'ry glowing Line,
And found a Second *Zanthus* in the *Boyne*.

Ye

Digitized by Google

Ye Pow'rs! how juſt, how num'rous is that Song! *
How rich the Fancy, and the Vein how ſtrong!
The hurried Reader with the Poet flies,
Yet looks on all he paſs'd with longing Eyes,
At ev'ry Proſpect equal Paſſions burn,
Pleas'd he proceeds, yet wiſhes to return.

Here, *Britons*, ſee what different Spirit reigns
In Free-born Muſes, and in Slaviſh Strains:
Obſerve how artful BOILEAU ſweats and toils,
To plume his Demi-God with borrow'd Spoils;
From CÆSAR, or ÆNEAS, ſteals a Grace,
And forms from Ancient Draughts a Modern Face.

While MONTAGUE ſecure, without Controul
Fix'd on the Greatneſs of his Hero's Soul,

* His Lordſhip's Epiſtle to the Earl of *Dorſet*, upon King *William*'s Victory in *Ireland*.

Digitized by Google

Truſts to his Theme his Numbers to inſpire,
With proper Raptures, and Poetic Fire.

But, SIR, methinks I hear you check the Song;
That dwells upon his meaneſt Praiſe too long,
Aud bid me trace with a ſuperior Quill,
The *Patriot*'s Wiſdom, and the *Stateſman*'s Skill.
O! take the mighty Task, for *You* alone
Can charm in Language equal to his own;
Deſcribe him form'd with ev'ry Grace to pleaſe,
Expreſſive Spirit, Fluency and Eaſe:
Expert in wiſe Aſſemblies to preſide,
The doubtful *Senate's* Oracle, and Guide;
Whoſe Eloquence, without the formal Art,
Flow'd to convince the Head, and warm the Heart.
Say, when fierce Murmurs, and Contention roſe,
(For Virtue finds in ev'ry Reign its Foes,)
His Soul an equal Firmneſs ſtill maintain'd,
Compos'd their Tumults, and their Heats reſtrain'd.

Or

Digitized by Google

Or paint Him, watchful over future Fates,
The Turns and Moments of contending States,
Directing where *Britannia*'s Sword ſhould ſway
Her dreadful Edge, and where her Thunder play:
Conſulting ſtill in each important Aim,
His Country's Safety, and his Monarch's Fame.

Theſe Publick Actions be thy juſter Choice;
Then, ADDISON, inſpire ſome ſecond Voice,
To trace his leſs ambitious Scenes of Life;
Retir'd from Noiſy Crouds, and Civil Strife;
Where the free Soul unbends her ſelf to pleaſe
In Social Virtues, and in Letter'd Eaſe;
Where chearful Looks, and friendly Speech give Birth
To wiſe Enjoyments, and *Socratic* Mirth.

For ever, *Hampton*, Sacred be thy Tow'rs,
Spring freſh thy Greens, and flouriſh thick thy Bow'rs;

There,

Digitized by Google

There, ſtill defended by indulgent Skies,
The Warriour's Wreath, and Poet's Garland riſe!
Theſe Scenes with deep Regard, Ye Sages, grace;
Ye Bards, with ſolemn Honours mark the Place;
Raiſe it as high in Ages yet to come,
As CHAUCER's Grove, or TULLY's *Tuſculum*.
Then, while Poſterity their Acts diſplay,
The Gen'rous *Briton* ſhall with Rapture ſay,
'Theſe Shades, abſolv'd from War, Great WILLIAM (ſought,
'And HALIFAX in thoſe Receſſes thought.

When Sixteen barren Centuries were paſt,
This Second Great MÆCENAS came at laſt;
In whom Example, and Protection join'd,
All Sciences improv'd, all Arts refin'd,
And made our ſtubborn *Engliſh* Senſe ſubmit
To the juſt Culture of *Athenian* Wit.

To

Digitized by Google

To Thee, Bleſt Genius! thy *Britannia* owes
That Learning in a purer Channel flows;
That Vice no more the Price of Virtue reaps,
Nor modeſt Want in ſilent Sorrow weeps;
That Glory courts the Wiſe, the Good, the Strong,
And only virtuous Merit lives in Song.

Reſt then, Great Soul! ſecure of deathleſs Fame!
Bleſt be thy Duſt, and ſacred be thy Name!
Be it invok'd in all our future Lays,
With Laſting Honour, and Religious Praiſe,
'Till CATO's Works with LIBERTY expire,
Or NEWTON's die in falling Worlds of Fire.

FINIS.

Digitized by Google

Digitized by Google

ODE

ON THE

MARRIAGE

Of Her Royal Highneſs

The Princeſs ANNE,

AND

Prince GEORGE of *Denmark*.

N. B. This *Poem* of his *Lordſhip*'s ſhould have follow'd *that* on the Death of K. CHARLES, but it came to our Hands too late to be there inſerted.

Digitized by Google

Digitized by Google

ODE on the Marriage of Her Royal Highneſs the Princeſs ANNE, *and Prince* GEORGE *of* Denmark.

I.

WHilſt black Deſigns (that direful Work of [Fate)
Diſtract the lab'ring State;
Whilſt (like the Sea) around loud Diſcords roar,
Breaking their Fury on the frighted Shoar;
And *England* does like brave *Vienna* ſtand,
Beſieg'd by Infidels on either Hand?
What means this peaceful Train? this pompous Sight?
What means this Royal beauteous Pair?
This Troop of Youths, and Virgins heav'nly fair?
That does at once aſtoniſh and delight.
Great CHARLES and his Illuſtrious Brother here,
No bold Aſſaſſinate need fear,
Here is no harmful Weapon found, (wound.
Nothing but *Cupid*'s Darts, and Beauty here can

Digitized by Google

II.

How grateful does this Scene appear
To us, who might too juſtly fear
We never ſhould have ſeen again
Ought bright, but Armour on the Plain?
Ne'er in their chearful Garb t'have ſeen the Fair,
While all with melting Eyes, and wild diſhevel'd (Hair,
Had mourn'd their Brothers, Sons, and Husbands (ſlain.
Theſe dusky Shadows make this Scene more bright,
The Horror adds to the Delight.
This glorious Pomp our Spirits chears; from hence
We lucky Omens take, new Happineſs commence.

III.

Thus when the gathering Clouds a Storm prepare,
And their black Force *Aſſociate* in the Air;

(Endea-

Digitized by Google

(Endeavouring to eclipſe the bounteous Light,
Who with kind Warmth and powerful Rays,
Them to that envy'd Height,
From their mean native Earth did raiſe.)
A thoughtful Sadneſs ſits on all,
Expecting where the full charg'd Clouds will fall:
But if the Heav'nly Bow
Deck'd like a gawdy Bride appears,
And all her various Robes diſplays,
Painted by th' conq'ring Sun's triumphant Rays,
It Mortals drooping Spirits chears,
Freſh Joy, new Light, each Viſage wears:
Again the Seaman truſts the Main,
The jocund Swains their Coverts leave again:
Again, in pleaſant warbl'ing Notes,
The chearful Poets of the Wood extend their tuneful Throats.

IV. Then,

Digitized by Google

IV.

Then, then, my Muſe, raiſe with the Lyre thy Voice,
And with thy Lays make Fields and Woods rejoyce:
For lo! the heav'nly Pledge appears,
And in bright Characters the Promiſe bears:
The factious Deluge ſhall prevail no more,
In vain they foam, in vain they rage,
Buffet in vain the unmov'd Shore,
Her Charms, and CHARLES's Power, their Fury ſhall aſſwage.
See! ſee! how decently the baſhful Bride
Does bear her Conqueſts, with how little Pride
She views that Prince, the Captive of her Charms,
Who made the *North* with Fear to quake,
And did that powerful Empire ſhake;
Before whoſe Arms, when great GUSTAVUS led,
The frighted *Roman* Eagles fled.

V.

Whatever then was his Deſire,
His Cannons did command in Fire:

Now

Digitized by Google

Now he himſelf for Pity prays,
His Love in tim'rous Sighs he breaths,
While all his Spoils, and glorious Wreaths
Of Lawrel, at her Feet the vanquiſh'd Warrior lays.
Great Prince! by that Submiſſion you'll gain more
Than e'er your haughty Courage won before;
Here on your Knees a greater Trophy gain,
Than that you brought from *Lunſden*'s famous Plain;
Where, when your Brother fired with Succeſs,
Too daringly upon the Foe did preſs,
And was a Captive made; then you alone
Did with your ſingle Arm ſupport the Throne.
Your generous Breaſt with Fury boiling o'er,
Like Lightning thro' their ſcatter'd Troops you flew,
And from th'amazed Foe the Royal Prize in Triumph
(bore.

VI.

You have your Anceſtors in this one Act outdone,
Tho' their ſucceſsful Arms did this whole Iſle o'er-run.
They

Digitized by Google

They, to revenge a ravish'd Lady, came;
You, to enjoy one spotless as your Fame.
Before them, as they march'd, the Country fled,
And back behind them threw
Their Curses as they flew:
On the bleak Shore, expecting you, they stand,
And with glad Shouts conduct to Land:
Thro' gaping Crowds you're forc'd to press your way,
While Virgins sigh, the young Men shout, and old ones pray.
And with this beauteous Lady you may gain
(This Lady that alone
Of greater Value is than any Throne)
Without that Rapine, Guilt, and Hate,
By a calm and even Fate,
That Empire, which they did so short a while maintain.

MEMOIRS

MEMOIRS OF THE LIFE OF *Charles Montague*, LATE Earl of HALIFAX, &c.

THE Deaths of great and valuable Men, naturally lead us to a Review of their LIVES; and it is not only an Act of Gratitude to the Deceas'd, but of Justice to those that survive, to recapitulate and set before them, the several Steps by which they became *Renown'd for their Power, Leaders of the People for their Councils, Wise and Eloquent in their Instructions; such as were honour'd in their Generations,*

Digitized by Google

tions, and were the Glory of their Times; like the Noble Perſon whom, ſetting aſide all manner of Inclination to this or that Party, I ſhall make it my Endeavour to trace through all the memorable Paſſages of his LIFE, from the Cradle to the Grave. Nor can it be otherwiſe than of great Uſe to the preſent Age, as well as thoſe that are to come, to recommend an Example to their Imitation, than which, few, or none, can be found in HISTORY more worthy of being copy'd. Such is that of *CHARLES MONTAGUE*, late Earl of *HALIFAX*, who, in the ſeveral Capacities of a private and publick Station, whether he is conſider'd as a Gentleman, a Scholar, or a Stateſman, has ſo demean'd himſelf in the Univerſity, in the Senate, and the Court, as to be the Pride and Ornament of each, and to obtain the Applauſe and Eſteem of all Sorts and Conditions of Men.

A good Life has but few Days, ſays the Son of *Sirach*, *but a good Name endureth for ever.* The firſt Part of this Text has been unhappily brought to paſs, in the untimely Deceaſe of him that gives Being to the following MEMOIRS; and there is no Room to doubt, but the laſt will be accompliſh'd by the juſt Deference that will be paid him in Honour of his Benefactions to Mankind, by this and ſucceeding Generations.

He was fourth Son to the Honourable *George Montague*, Eſq; of *Harton*, in the County of *Northampton*, whoſe Father was *Henry* the firſt Earl of *Manchester*, a Name well known in, and after, the late Civil Wars. His Mother was *Elizabeth*, Daughter of Sir *Anthony Irby*, of *Quaplode*, in the County of *Lincoln*, who, beſides him, had for Iſſue four

four Sons, and as many Daughters, whose Names were *Edward*, that marry'd *Elizabeth* eldest Daughter of Sir *John Pelham*, of *Laughton*, in *Com. Sussex*; *Christopher*, whose Wife was the Lady *Anne*, Daughter of *Edward* the first Earl of *Sandwich*; *James*, whose first Lady was *Tufton*, Daughter of Sir *William Wray*, of *Ashley*, in *Com. Lincoln*; and whose second, now living, is the Daughter of the Countess Dowager of *Manchester*, whom Mr. *Charles Montague* was marry'd to some Time before the *Revolution*.

His Sisters were *Elizabeth*, *Anne*, *Mary*, and *Theodosia*, two of which are now living, the one join'd in Matrimony to —— *Willmot*, Esq; the other to —— *Cosby*, Esq;

This numerous Issue made his Father, who was Son to the Earl above-mention'd, by a second Venture, and possess'd of no other Estate than his Mother's Jointure, have an Eye to their Education, in such a manner as became their Birth, and was agreeable to the most frugal Management; well knowing that the Bulk of his Inheritance was to devolve on his eldest Son *Edward*, and that his other Sons might advance themselves in the World, by the Means of careful and learned Instructors, while he, as a prudent Oeconomist, made Provision to send his Daughters into the World not only freighted with all the Advantages of their Sex, but with handsome and genteel Fortunes. Among the former, he, in a particular Manner, look'd out for the best of Teachers for his Son *Charles*, who was born on the 16th of *April*, 1661, and was scarce five Years of Age, but shew'd such growing Tokens of a very pregnant Genius,

Digitized by Google

that he was the Admiration of all that came near him. In order therefore to his farther Improvement, after he had gone through the first Rudiments of Learning, which young Gentlemen are wont to be exercis'd in, he was sent, when fourteen Years old, to the College at *Westminster*, where he for some Time follow'd his Studies under the Guidance of Dr. *Knipe*, the second Master, with such unusual Success, that in two Years Time, 1677, at an Election for a Supply of young Gentlemen to be sent to the two Universities of *Oxford* and *Cambridge*, Mr. *Montague* was pitch'd upon to succeed one of them as a King's Scholar; which brought him more immediately under the Tuition of Dr. *Busby*, who was too accurate an Observer of Dispositions, not to see the Bent of his which led him to the most polite Exercises, such as Poetry, *&c.* in which he soon grew, by his Encouragement, a great Proficient. Insomuch that he was always applauded for his *extempore Epigrams*, made upon *Themes*, appointed for the King's Scholars at the Time of Election, and had more Presents made him, according to Custom on that Account, than any one of his Contemporaries.

In the Year 1682, Mr. *George Stepney*, whom we shall have Occasion to mention hereafter, and with whom, during his Abode in the College at *Westminster*, Mr. *Montague* had contracted a more than ordinary Friendship, was elected to fill up a Vacancy in *Trinity-College*, *Cambridge*, which, notwithstanding the Pleasure he took in the just Reward of his Deserts, that was the better Half of him, was the Occasion of no small Discontent to him, since he could not brook the Thoughts of being

Digitized by Google

being left behind a Perſon, the want of whoſe Company, could not but be very irkſome to him, tho' he had at that Time a moſt aſſur'd Proſpect of being choſen to one of our Univerſities the following Year. He therefore being fearful (and not without Cauſe, for the Dean of *Chriſt-Church* was then to have it in his Turn to make the firſt Election, before that of *Weſtminſter*, or the Maſter of *Trinity*) that he ſhould be call'd to *Oxford*, and in ſo being, entirely depriv'd of the Converſation of his deareſt Friend, was earneſt with his Relations (who were unwilling to deny him any Thing that was reaſonable, and very capable of allowing him a very handſome Maintenance) to let him bear young Mr. *Stepney* Company to the ſame College, without going thither on the ſame Terms.

Mr. *Montague* being thus happily tranſplanted from that Nurſery of Learning, to the more immediate Reſidence of the Muſes, made ſuch Improvements in it, by the Care of his Kinſman Dr. *John Montague*, (now Dean of *Durham*) and a very polite Tutor, whoſe Government he was in a particular Manner conſign'd to, that in leſs than twelve Months Time, he was as much admir'd for the ſwift Progreſs he made in his Exerciſes at *Cambridge*, as he had been before for his Diſpatch of thoſe at *Weſtminſter*; and was as highly celebrated for his Readineſs to digeſt Philoſophical Lectures, as he continu'd to be for a thorough Knowledge of all Claſſical Authors. For tho' it is the Method of moſt Colleges, in both our Univerſities, to put the Youth at their firſt Entrance, upon more ſevere Studies, in order to draw off their Attention from ſuch as are accounted by the Men of Gravity there, ligh

light and unprofitable, our Student had such a large Extent of Understanding, that was not only capable of containing the one, but of receiving large Additions to the other, and went on in giving Proofs of his Advances in the Art of Poetry and Oratory, while he out-shin'd his Contemporaries in those of Logick and Ethicks; it not being their Way to put the Pupils on Physicks and Metaphysicks, 'till they are well season'd in the two last.

Nor was it long before an Opportunity presented it self of communicating to the Publick those rare Endowments which had hitherto been confin'd to the School and the University; since, upon the Death of King *Charles* II. in the Year 1684, the latter, as customary, had it in Command from their Chancellor, to compose a Book of Condolence and Congratulation, to be presented to his Brother and Successor, King *James* the Second. Accordingly, the Heads and Governors of Colleges and Halls, with the Noble-men, Proctors, Fellows, Scholars, *&c.* in their respective Stations, severally made Copies of Verses on that Occasion, whereby Mr. *Montague* so displayd an excellent Genius in his, as may be seen by a Survey of it in the Close of these MEMOIRS, as to lay the Ground-work of his future Promotions.

The late Earl of *Dorset* and *Middlesex*, the greatest Encourager of Wit and Learning that was to be found in those Days, with his Friend Sir *Charles Sidley*, happen'd to have that very Book under Consideration, as indeed every Thing that came out, was favour'd with their Perusal; and observing the Beauties of his

POEM,

Digitized by Google

POEM, took a Resolution to distinguish him and his Friend Mr. *Stepney*, from the rest, by an Invitation of both these Gentlemen to Town.

Accordingly the first (Mr. *Montague*) came, tho' the last (Mr. *Stepney*) desir'd to be excus'd, out of his Love to a retir'd Life) and had soon Occasions put into his Hands of giving Increase to the Reputation he had brought with him, by new Acquisitions of Fame and Esteem. The Defeat of the Rebels in the *West*, under *Monmouth*, made it necessary, in the Language of the Court, to have a standing Army, which the *Country-Party* in the Parliament, violently oppos'd; and among these, his two Friends, one of which bore a great Sway in the House of Peers, and the other in that of the Commons, whose Interest was so great in both, especially Sir *Charles Sidley*'s, that the King foreseeing it would be a Work of the greatest Difficulty, to gain their Consent for the Payment of more Troops than what were upon the Establishment of the last Reign, contented himself with dropping the Pursuit of it, by a Dissolution of the Parliament, being advis'd so to do by some about him, who, tho' the Creatures of his Power, had an Eye towards his Dethronement, which afterwards happen'd.

That unfortunate Prince, whose greatest Fault was too implicit a Belief of the Faith and Sincerity of his pretended Friends, was then brought to think, after having dispatch'd those who had a Check upon him, to their respective Habitations, that he might keep his Forces on Foot, and augment them with what Numbers he pleas'd, provided he paid them out of his own

Digitized by Google

own Revenues, without being burthensome to the Subject; and thereupon increas'd his Army to 30000 effective Men. But, alas! whatsoever Disbursements he made for their Use out of his own Treasure, the Generality of the People could not but look upon this as a Step in their Sovereign, towards their Enslavement, even at the same Time as it was acknowledg'd, that never any King mounted the Throne with such Expectations of being true to his Word, and a religious Observer of his Coronation-Oath; since, while he acted as Duke of *York*, no one could abide more strictly by his Promises, or give Tokens of greater Veracity. They had seen thro' a long Train of Occurrences, Age after Age, the Consequences of a prevailing Soldiery. They had been told, that every arbitrary Government had taken its Rise from thence, and been made sensible, by many and many Precedents, of the Truth of that Maxim, which says, *Inter Arma silent Leges:* They therefore were in Pain for the *Constitution*, which could not but be in Danger, from Measures that the very Religion of their Monarch seem'd to oblige him to take. For he had then flung of the Veil, and not only profess'd himself a *Papist*, but taken Persons of the same Profession into the Ministry and the Army, by dispensing with the Penal Laws, without any Act of Parliament, and gone upon many Experiments invasive of the Rights of the establish'd Church, and the Privileges and Communities of such as were the true Sons of it.

Wherefore, amongst others of the Nobility and Gentry that exerted themselves, in Opposition to the Schemes at that Time on the Anvil, by the Means of evil Counsellors, that had wholly

Digitized by Google

wholly engrofs'd the King's Ear, and intercepted the Rays of his Majesty's Favour, from shining upon any other than themselves, and their Creatures, the Noble Peer and Baronet above-mention'd, did all that in them lay to stem the Tide of Superstition and arbitrary Power, that was flowing in upon them. Nor could they fix their Choice on a more able Assistant, than Mr. *Montague*, whose Pen was able to cope with that of the most knowing Antagonist. It is true indeed, that there was very little Occasion for any other Defenders of the *Establish'd Church*, from the Attacks of its Enemies, than the honest, learned, and courageous Clergy, who at that Time made the noblest Stand against Popery, in the *London* [illegible] and other polite and unanswerable Trea[illegible]s had been known in any Age; but since not only the Ecclesiasticks were employ'd by the King, to inculcate the Tenets of his Religion into the Minds of his People; but the Laicks were set on Work to propagate the Royal Creed; it was thought conducive to the Interest of the true Religion, to make use of the one and the other, in order to foil them at their own Weapons: Which having been incontestibly done by the Gentlemen of the sacred Robe, as has been just related, was likewise with great Facility executed on the Part of those that wore another Cloth, especially on Mr. *Montague*'s, on the Perversion of Mr. *John Dryden* (a most eminent Writer, and Poet-Laureat) to the *Romish Communion*. This Gentleman, it seems, if the Reasons of his Defection from the Doctrines wherein he had been very happily educated, may obtain Credit, had weigh'd all the Arguments on both Sides, found those of the Protestants of no Weight, and had

Digitized by Google

therefore, by inclining to those that were more ponderous, deserted, as he himself call'd it, to the *Royal Party*; whereupon he had his Instructions from Court, not without a good Reward for his Apostacy, in favour of the Projects then upon the Point of being executed, in admitting Popish Recusants, and other Dissenters, into the Enjoyment and Exercise of those Privileges which solely belonged to the Church. And that the Potion might go down the more palatable, and be swallow'd with the better Gust, he was order'd to disperse it like a gilded Pill, in the Vehicle of Rhime. Nor is it to be deny'd, but the Turn and Cadence of the Verse, was most admirably good, tho' the Drift and Design of it had every Thing that was ill in them, therefore the Sophistry might not have any Effects upon wavering Minds, which, tho' otherwise well inclin'd, might warp towards the Belief of the Sincerity of smooth Periods, and inviting Similies. Mr. *Montague* was prevail'd upon to take the POEM in Pieces, and ridicule the Tendency of it, in Conjunction with Mr. *Matthew Prior*, a Person likewise in great Repute with all true Judges of Ingenuity.

The Title of it was the Hind and Panther, the first being in Reverse to all Truth and Justice, intended to be taken for the Romish Church; and the last made use of as a *Nom de Guerre*, for the *Church Establish'd*, whose pacifick and inoffensive Doctrines, are abhorrent of the Nature of that Beast; than which, none can be more fierce and savage. Nor was the POEM, (for it was written in Verse) to have the greater Influence on the People, and to win them over to the Tenets contain'd in it, without its Beau-

ties,

ties, at the same time as it abounded with Faults enough for a Man of a judicious Taste, to play the Critick upon. Wherefore, that the adverse Party might not triumph in the Success of their Champion, and he said to carry the Day unanswer'd, Mr. *Montague* had in Request, in Conjunction with Mr. *Matthew Prior*, a very celebrated Writer, to enter the Lists with him. Mr. *Dryden*, it seems, had taken abundance of Pains, and in a very serious Strain, to make the *Hind* get the better of the Argument, as she reason'd with her Antagonist about *Church-Authority*, and the *Rule of Faith*, which she labour'd to perswade the other to go by; wherefore the two Gentlemen that were to take him to Task, rightly judg'd the best way to acquit themselves in that Undertaking, was, to turn all his study'd Periods, and smooth Cadences, into Ridicule, and thereby shew the Unnaturalness of the Dispute between two Beasts, about the nice Points of Religion. This could not be done better, in their Opinion, than by taking the very same Method as had been taken by the Laureat, and transversing the Fable of the *Hind* and *Panther*, into that of the *Country-Mouse* and *City-Mouse*. Wherefore, as he made the *Hind* invite the *Panther* home to her Cell, and hold a religious Dispute in their journey thither, and after their Arrival there, so Mr. *Montague* and Mr. *Prior* put Words of a merry Nature into the Mouths of their two *Mice*, as they made them, after a more genteel Manner, take a *Hackney* Coach, and hire it, in their way to the *Devil-Tavern*, the House which they made Choice of to hold their Conference in: Which Mr. *Montague* (for he wrote the Preface entirely) accounted for after this manner.

Is it not as eaſy to imagine two Mice *talking Coachmen, and ſupping at the* Devil, *as to ſuppoſe a* Hind *entertaining the* Panther *at a Hermit's Cell, diſcuſſing the great Myſtery of Religion, and talking you her Son* Rodriguez *writ very good* Spaniſh? *What can be more improbable, and contradictory to the Rules and Examples of all Fables, and to the very Deſign and Uſe of them? What Relation has the* Hind *to our Saviour? Or what Notion have we of a* Panther's *Bible? If you ſay he means the Church; how does the Church feed on Lawns, or range in the Foreſt? Let it be always a Church, or always the Cloven-footed Beaſt, for we cannot bear his ſhifting the Scene every Line. If it is abſurd in Comedies, to make a Peaſant talk in the Strain of a Hero, or a Country Wench uſe the Language of the Court, how monſterous is it to make a Prieſt of a* Hind, *and a Perſon of a* Panther; *to bring them in, diſputing with all the Terms and Formalities of the School? Though, as to the Arguments themſelves, thoſe, we confeſs, are ſuited to the Capacity of the Beaſts; and, if we would ſuppoſe a* Hind *expreſſing herſelf about theſe Matters, ſhe would talk at that Rate.*

As for the Performances themſelves, the *Reader* will, at firſt View, perceive on whoſe Side the Victory inclin'd, after two or three Quotations from each, which I cannot paſs by without obliging him with, that he may ſee how judiciouſly and nicely the one is tranſvers'd by the other, in the following Lines.

DRYDEN.

Digitized by Google

DRYDEN.

A Milk-white Hind, immortal and unchang'd,
Fed on the Lawns, and in the Forest rang'd;
Without unspotted, innocent within,
She fear'd no Danger, for she knew no Sin;
Yet had she oft been chas'd with Horn and Hounds,
And Scythian Shafts, and many winged Wounds;
Aim'd at her Heart; was often forc'd to fly,
And doom'd to Death, tho' fated not to die.

MONTAGUE.

A Milk-white Mouse, immortal and unchang'd,
Fed on soft Cheese, and o'er the Dairy rang'd;
Without unspotted, innocent within,
She fear'd no Danger, for she knew no Gin;
Yet had she oft been scarr'd by bloody Claws
Of winged Owls, and stern Grimalkin's *Paws,*
Aim'd at her destin'd Head, which made her fly,
Tho' she was doom'd to Death, and fated not to die.

But what shew'd the Artfulness of the Transversion most, was, their Banter upon Mr. *Dryden's* Discourse of Infallibility, after they had made one of their Beasts or Vermin, the *Country-Mouse* call'd *Brindle*, find Fault with the Wine in these Words.

MONTAGUE.

Sirrah, says Brindle, *thou hath brought us Wine,*
Sour to my Taste, and to my Eyes unfine.
Says Will, *all Gentlemen like it; Ah! says* * White,
What is approv'd by them, must needs be right.

'Tis

* The City-Mouse.

'Tis true, I thought it bad, but if the House
Commend it, I submit, a private Mouse:
Nor to their Catholick Consent oppose
My erring Judgment, and reforming Nose.
Why, what a Devil, shou'd I trust my Eyes,
Must I drink Stum, because the Rascal lyes?
And palm upon us, Catholick Consent,
To give sophisticated Brewings Vent?
Says White, what ancient Eloquence can sway,
If you must argue thus, and not obey?
Draw'rs must be trusted, through whose Hands con-
You take the Liquor, or you spoil the Trade. (vey'd,
For sure those honest Fellows have no Knack
Of putting off stum'd Claret for Pontack!
How long, alas! would the poor Vintner last,
If all that drink, must judge, and every Guest
Be allow'd to have an understanding Taste?

DRYDEN.

Thus did the gentle Hind her Fable end,
Nor would the Panther blame it, nor commend:
But with affected Yawnings at the Close,
Shew'd to require her natural Repose.
Her noon the sneaky Light began to peep,
And setting Stars admonish'd both to Sleep.
The Dame withdrew, and wishing to her Guest
The Peace of Heav'n, betook herself to Rest.
Ten thousand Angels on her Slumbers wait,
With glorious Visions of her future State.

MONTAGUE.

Thus she, nor could the * Panther well inlarge,
With weak Defence, against so strong a Charge.

But

* Here he makes Mr. Bays say, There I call her a *Panther*, because she's Spotted, which is such a Blot on the Reformation, as I warrant them they will never claw off, I Gad.

But with a merry Tuum, that shew'd her Pride,
Said, Spotless was a Villain, and she lyd.
White saw her canker'd Malice at this Word,
And said her Prayers, and drew her Delphic Sword.
T'other cry'd Murther, and her Rage restrain'd;
And thus her passive Character maintain'd.
But now alas! I greive, I greive to tell,
What sad Mischance these pretty Things befel.
These Birds of Beasts, * *these learned reasoning*
Were separated, banish'd in a Trice, (*Mice,*
Who would be learned for their Sakes, who wise?
The Constable alarm'd by this Noise,
Enter'd the Room, directed by the Voice,
And speaking to the Watch with Head aside,
Said, † Desperate Cures must be to desperate Ills (apply'd.
These Gentlemen, for so their Fate decrees,
Can ne'er enjoy at once the ** Butt and Peace.
Where each have separate Interests of their (own,
Two Mice are one too many for a Town.
By Schism they are torn, and therefore, Brother,
Look you to one, and I'll secure the t'other.
Now, whether Dapple *did to* Bridewel *go,*
Or in the Stocks all Night her Fingers blow;
Or in the Compter lay, contents us not to know.
But the immortal Matron, *spotless* White,
Forgetting Dapple's *Rudeness, Malice, Spight,*
Look'd kindly back, and wept, and said, Good Night.
Ten thousand Watchmen waited on the Mouse,
With Bills and Halberts, to her Country-House.

How-

* Because Mr. *Dryden*, in his Pag. 129, says *Beast of a bird.*

† Hind *and* Panther, *Pag.* 135.

** *Pag.* 115.

** *Pag.* 144.

However, notwithstanding all the Discouragements the Court met with in their Attempts to introduce Popery from the Pens of learned Men, such as were Mr. *Montegue*, and his ingenious Associates, and the general Dislike of more than three Parts of the Nation, the King was so blinded in his Zeal for its Establishment, or rather infatuated to pursue evil Counsels, that he resolv'd to make a home Push at the Subversion of the Laws and Constitution, and not only broke in upon the Statutes of both Universities, by placing Men of his own Religion in those Seminaries, contrary to Act of Parliament and his Coronation Oath, but imprison'd several of the Bishops, for not ordering his *Declaration for Liberty of Conscience*, because it was founded on a *dispensing Power*, to be read in their respective Dioceses. These Acts of Violence were follow'd by worse Consequences than his Majesty, or the Bigots about him, gave themselves Leisure to think of, for the Chief of the Nobility and Gentry chose rather to depart in some Measure from their Allegiance, and invite the Prince of *Orange* over to redress their Grievances with an arm'd Force, than to behold the Constitution of their native Country trampled under Foot, and all their Religious and Civil Liberties totally destroy'd.

The Issue of this Invitation is so well known, that we may be silent as to the Particulars, since it will be sufficient to our Purpose, to signify, that amongst the many Hands that sign'd it, Mr. *Montague* was one, who had the Honour to be chosen one of the Members of the Convention that met at *Westminster* on *January* 22. 1688, and declar'd the Throne vacant on the 7th of *February* following.

Digitized by Google

following. The Prince and Princess of *Orange* being now made King and Queen of *England*, &c. by the Abdication of King *James*, the Earl of *Dorset*, who had been early in going into Measures for bringing about the *Revolution*, and promoting their Succession, was advanc'd to the Office of Lord Chamberlain of his Majesty's Household; by Virtue of which, he had it in his Power to recommend Men of Desert to the Royal Favour. Nor was that Noble Person wanting in his Regards to his Friends, from whom no one had greater Application made to him on that Head, but took all Opportunities of doing them all possible Services. Among these, he was very early in his Provision for Mr. *Montagne*, whom he introduc'd to the King some Time after his Coronation, with *May it please your Majesty, I have brought a* MOUSE *to have the Honour of kissing your Hand*; at which the King smil'd, and being told the Reason of his being so call'd, from the Pamphlet before-mention'd, reply'd with an Air of Gayety, *You will do well to put me in a Way of making a* MAN *of him*, and order'd him an immediate Pension of 500 *l. per Annum*, out of the Privy Purse, 'till an Opportunity should offer. Nor is Mr. *Montague's* Repartee to a certain Nobleman, to be omitted, who ask'd Sir *Charles Sidley*, that was on Horse-back with him on the Day the new King and Queen were proclaim'd, *Whether he was going?* since it purported, *that Sir Charles was going to repay one good Turn for another, and to make King James's Daughter a Queen, since that Prince had made his a Countess.*

As Mr. *Montague* was but a young Member in Parliament, so we do not find that he enter'd into many of the Debates therein, 'till the Year

Digitized by Google

1691, when having acquir'd a great Compaſs of Knowledge in the Proceedings of the Houſe, and being diſtinguiſh'd for a thorough Inſight into the Privileges of it, he was thought capable of being plac'd at the Head of a Committee that was to be in Conference with another from the Lords, about a very arduous and intricate Affair, in which he had no leſs Men, than the late Marqueſs of *Halifax*, the Earls of *Pembroke*, *Rocheſter*, *Mulgrave*, (now D. of *Bucks*) *Nottingham*, *Monmouth*, (now *Peterborough*) &c. to deal with. Both Houſes were now engag'd in a warm Diſpute, rais'd by the Bill for *regulating Tryals in Caſes of High Treaſon*; which Bill having been laid aſide by the Lords in the preceeding Seſſion, was again brought in, and paſs'd by the Commons, who ſent it up to the Lords for their Concurrence. The Lords, beſides other Amendments, made this Clauſe to it. *That upon the Tryal of any Peer, for any Treaſon, or Miſpriſion of Treaſon, all the Peers who have a Right to ſit and vote in Parliament, ſhould be duly ſummon'd, twenty Days at leaſt before any ſuch Tryal, to anſwer at every ſuch Tryal: And that every Perſon ſo ſummon'd, and appearing on ſuch Tryals, ſhould vote in the Tryal of ſuch Peer or Peereſſes to be try'd, be and they firſt taking the Oaths mention'd in an Act of Parliament made in the firſt Year of King* William *and Queen* Mary; *entitled*, An Act for abrogating the Oaths of Supremacy and Allegiance, and appointing other Oaths; *and ſubſcribing and audibly repeating the Declaration mention'd in an Act of Parliament made in the thirtieth Year of King* Charles *the ſecond, entitled*, An Act for the more effectual preſerving the King's Perſon and Government, by diſabling Papiſts from ſitting in either Houſe of Parliament. This

Digitized by Google

This Clauſe being diſagreed to by the Commons, and at two ſeveral Conferences inſiſted on by the Lords, Mr. *Montague*, as Head of the Committee, deliver'd the Senſe of the former, and argu'd, 'That the Bill was begun by the Commons, for the equal Advantage of ſuch Lords and 'Commons who had the Misfortune to be ac'cus'd of Treaſon, or Miſpriſion of Treaſon. 'That when it was firſt return'd from their 'Lordſhips, with very many Amendments, the 'Commons were ſo willing to comply with 'the Deſire of their Lordſhips, and to give the 'Bill a ſpeedy Paſſage, that they agreed to all 'thoſe Amendments, except two. That ſome of 'them were of a very nice Nature, and rela'ted to Things of which the Commons have 'ever been moſt tender. That at the firſt Con'ference, the Commons gave their Lordſhips the 'Reaſons that induc'd them to make ſuch Amend'ments, which did ſo far ſatisfy their Lord'ſhips, that they did agree to the firſt Amend'ment made by the Lower Houſe, tho' they did 'inſiſt upon this other, for which they deliver'd 'their Reaſons at the ſecond Conference. That 'thoſe Reaſons had been ſolemnly and delibe'rately conſider'd by the Commons, and that 'they had not found them ſufficient to convince 'them; ſo that they ſtill diſagreed with the 'Lords in the fore-mention'd Clauſe. That it was 'very unfortunate, that no Bill for the Relief 'of the Subjects in theſe Caſes, had been ten'der'd for many Years laſt paſt, but either this 'Clauſe, or ſome Thing of the like Nature, had 'unhappily clogg'd it, and been the Occaſion of 'loſing it: And as this was never thought rea'ſonable to be admitted formerly, ſo neither

Digitized by Google

could the Commons consent to so great an Alteration of our Constitution as this would introduce. That such an Alteration was far beyond the Intent and Design which the Commons had in preparing this Bill. That they were desirous that all Men should have a fair and equal Way of making their Defence, and wish'd, that the Guiltless should by all necessary Provisions be protected, and allow'd all just Means of making their Innocence manifest; but they did not design to subvert the Essence and Constitutions of the Courts, nor intend to disable the Crown in one of its most necessary Prerogatives, or to place a Judicature in other Hands, than those to whom the Laws of *England*, and the Custom of the Realm, had committed it. That the Clause now in Dispute, struck at no less than this, and in Consequence at the Alteration of the Government of *England*. That the Government of *England* is Monarchical, and the Monarch has the Power of constituting Courts and Offices for Administration of Justice, tho' they are to proceed according to the known Rules and Limitations of Law. That the Judges are constituted by his Commission, the Sheriffs are of his Nomination and Appointment; and these are to return the Pannel of Jurors, who are to pass on the Lives of the Commoners; and that in like manner 'tis the Prerogative of the Crown, to constitute a Lord High Steward, who, by his Serjeant at Arms, does summon a competent Number of Peers to be Tryers of their Lordships. But that this Clause took away these Powers from the High Steward, and therefore it took away so much from the Regal Authority; and

it

Digitized by Google

it would amount to no leſs, than to render the Subjects indepedent on the Crown, in the Pleas of the Crown; wherein, above all other Things, the Life, Peace, and Safety of the Government is concern'd. That the Commons had ſtill the ſame Opinion of the Honour and Integrity of the Lords, which they had receiv'd from the Experience of paſt Times; but that their Deſign in paſſing that Bill, was to prevent thoſe Abuſes in Tryals for Treaſon in inferior Courts for the future; by the Means of which, during the Violence of the late Reign, they had obſerv'd many had loſt their Lives. That the Things to which the Bill extended, were of ſuch a Nature, that, except only in one Inſtance, (that is, the Time of the Delivery of the Copy of the Pannel; for it was agreed, even in the Lord *Ruſſel*'s Caſe, *That the Subject hath a Right to have a Copy of the Pannel)* the Lords had an equal Benefit with the Commons. That the Commons did not obſerve, that the Clauſe ſent down by the Lords, does relate to the like Grounds of Complaint; for no Inſtance could be given of any Peer who ſuffer'd during the late Reign, from whence a juſt Cauſe of Objection might ariſe to the preſent Method of Trying Peers. That the only two Perſons proſecuted, came off, tho' purſu'd with great Violence; the one, becauſe the Grand Jury could not be prevail'd upon to find the Bill; the other was acquitted upon his Tryal by the Juſtice of his Peers. That by all the Circumſtances of the Tryal of the Lord *Delamere*, it is manifeſt, that if there was any Uneaſineſs in the Method of Tryal, it then would have appear'd. That the Violence of thoſe Times was ſuch, that the Commons were

not

'not protected by that Innocency, which has
'since been declar'd in Parliament; yet, then
'the Lord *Delamere* was acquitted by the Justice
'and Honour of his Peers; and it might seem
'strange to future Ages, that the Commons
'should be contented, that the Method of Tryals
'should be continu'd, which was not sufficient to
'protect their Innocency; and their Lordships
'alter that which had prov'd a Bulwark to their
'Lives. That the Commons also thought the
'Clause to be of a different Nature from the
'Bill, because the Bill did not make any Alte-
'ration in the Court, or in the Nature of the
'Tryal, which the Commons apprehended was
'done by the Clause; for thereby the Court is
'no longer constituted by the Precept of the
'Lord Steward, who receives his Commission
'from the Crown, but the whole Order of Peers
'have a Right to make up the Court; and the
'Friends, Relations, and Accomplices of the
'Person, are to be his Tryers. That there was
'another great Alteration in the Constitution of
'the Court, as the Clause was penn'd; for this
'Method, prescrib'd by the Clause, was for the
'Tryal of every Peer, and according to that Me-
'thod, every Peer who had a Right to sit and
'vote in Parliament, was to be summon'd, and
'might appear and vote. Now, it was agreed by
'the most learned Authors, that the Lords Spi-
'ritual are Peers; and whosoever would go a-
'bout to defend the contrary Opinion, would find
'it very difficult to answer the several Records
'of Parliament, and other Authorities, where
'this Point is asserted; particularly the well
'known Claim in Parliament of Arch-Bishop
'*Stafford*, in the Reign of *Edward* III, and the

famous

Digitized by Google

famous Proteſtation in the ſecond of *Richard* II, (when the Biſhops thought fit to abſent themſelves from Parliament, becauſe Matters of Blood were to be agitated there) wherein their Right of Peerage is directly aſſerted: And this Proteſtation being enroll'd at the Deſire of the King, and with the Conſent of the Lords and Commons, ſeem'd to be of the Nature of an Act of Parliament. That if the Law-Books might come in for Authorities in ſuch a Point, there are Caſes where the Pleas of the Biſhops as Peers, have been judicially allow'd; ſo that this Clauſe did directly let in the Lords Spiritual to try, and be try'd, as other Peers who are Noble by Deſcent. Not that the Commons were diſſatisfy'd with this, if this were the only Matter; for the Lords Spiritual, in all Probability, by their Learning and Integrity, would greatly aſſiſt at the Tryal of Peers; and the Commons were well enough diſpos'd to let in theſe Noble Prelates to any Privileges in Point of Tryal, which ſhould be propos'd by the Houſe of Peers. But this was urg'd to make good the Poſition laid down before, that by this Clauſe the Conſtitution of the Court was quite alter'd; it having been taken for Law, that the Lords Spiritual are to be try'd as other Peers, or to be preſent, and vote at the Tryal of any other Peer, at leaſt out of Parliament: For, as to their Right in Parliament, how far they are reſtrain'd by the Canons, *Agitare Judicium*, how far theſe Canons have been receiv'd in *England*, and what the Uſuage of Parliament has been, was not the preſent Buſineſs. That had this Bill come down from the Lords firſt, and the Commons had added a

Clauſe

'Clauſe, *That no Commoner ſhould be try'd for* 'Treaſon, *but before all the twelve Judges, and a* 'Jury *of twenty four Perſons, and to have taken* 'away *all Challenges for Conſanguinity*, which, if it 'was conſider'd, was ſomewhat of the Nature of 'the Lords Clauſe, though it did not go ſo far; 'if the Lords had thought fit to have us'd the 'ſame Reaſon for diſagreeing to ſuch a Clauſe, 'as the Commons had done in the preſent Caſe, '*That it was different from the Deſign of the Bill*, 'it would have ſatisfy'd the Commons. And 'that the ſame Reaſons which the Commons re-'ceiv'd from the Lords at the laſt Conference, 'if they had been deliver'd by the Commons, 'would not have been convincing to their Lord-'ſhips.

To this he added, 'That the Commons like-'wiſe obſerv'd, that the Lords in the Clauſe, or 'in their Reaſons, had not ſtarted any Cauſe of 'Objection to the preſent Method of their Try-'als, and therefore the Commons wonder'd that 'the Lords (as they expreſs'd themſelves in 'their Reaſons) *ſhould conceive that they were di-'ſtinguiſh'd, ſo as to be more expos'd in their Tryals* 'than *the meaneſt Subject*; ſince the Commons did 'not find, but that they enjoy'd this great and 'high Privilege (upon which ſo great a Value 'has been juſtly put) as fully as ever any of their 'Noble Anceſtors did. That 'tis by this Privi-'lege, the Body of the Peers have been pre-'ſerv'd ſo long. That if any Lord, at any Time, 'ſhould be ſo diſpos'd to expoſe himſelf in De-'fence of the common Liberties of the People, 'the Commons are Security to him from being 'oppreſs'd with falſe Accuſations; twelve of 'them muſt agree to find a Bill before he can

'be

Digitized by Google

'be indicted, and that Bill cannot be found, but 'upon the Oaths of two credible Witneſſes. 'That the Commons look'd upon the Method 'of Tryals, which the Lords would alter, to 'have been as ancient as the Conſtitution of the 'Government. That it appears in the Year-'Books, to have been practis'd in the firſt Year 'of *Henry* IV, and to have been well known at 'that Time. That indeed it could not be ſup-'pos'd to have been an Innovation then; the 'Lords who had juſt before depos'd King *Ri-'chard* II, being too great, to ſuffer ſuch an In-'novation; and *Henry* the IVth's Title not ſuf-'ficiently eſtabliſh'd to attempt it. That the 'Reaſon why no older Inſtances of Proceedings 'before the Lord High Steward, are to be found, 'is this, That this very *Henry* the IVth, when 'Duke of *Lancaſter*, was the laſt High Steward 'who ever had any fix'd Intereſt in the Office; 'ſo that the Office being ſo long ſince ceaſed, 'all the Records are loſt, and the very Nature 'and Power of the Office, except in this Inſtance 'of trying Peers, and determining Claims at 'Coronations, is likewiſe loſt. But ſince that 'Time, the High Steward being only *pro hac 'Vice*, the Proceedings are commonly tranſ-'mitted into other Courts, and ſo come to be 'found.

He likewiſe urg'd, 'That if there were any 'Objection to that Method of trying Peers, it 'muſt be founded on a Suppoſition of Partiality 'and Unfairneſs of conſtituting a High Ste-'ward, or in the High Steward himſelf, and the 'Peers ſummon'd by him; and that the Com-'mons were unwilling to enter into ſuch Kind 'of Suppoſals. As to the partial conſtituting of a

Digitized by Google

'High Steward, if that might be suppos'd, as it 'was an Objection to the Constitution, which 'entrusts the Crown with the Administration of 'Justice, that that Supposal might as well ex-'tend to the Constitution of the Judges and 'Sheriffs, and every other Part of the Admini-'stration. And if upon such a Supposal, or Distrust, 'the Remedy must be to take away that Part 'of the Administration out of the Crown, (as 'was done in the Clause before them) the Rea-'son must carry the Thing so far, that the Na-'ture of the Government would be alter'd. As 'to the Partiality of the Lord High Steward, 'and the Peers, the Commons were unwilling 'to suppose it was possible that twelve Peers 'should be ever found (for that Number must 'agree, or the Person accus'd is safe) who could 'so far forget their Honour, and the Noble Or-'der they were of, as for Revenge, or Interest, 'to sacrifice an innocent Person. But if the 'Lords would suppose that such a Number of 'Peers might be capable of being engag'd in so 'ill, and so dishonourable Things, then the 'Commons thought themselves excus'd, if they 'suppos'd, that other Passions, and Motives, 'might prevail on the Peers; such as *Pity* in '*Friends*, *Partiality* in *Relations*, and the *Consider-'ration* of their Safety in the Case of *Accom-'plices*. That most Men, especially *English* Men, 'enter unwillingly into Matters of Blood. That 'the most indifferent Peers would be most likely 'to absent themselves, either from a Considera-'tion of dissatisfying the Crown on the one 'Hand, or drawing on themselves the Mischief 'of a Breach with the Family of the Person 'accus'd, on the other, (for it was to be obser'v'd,

'that

'that a Restitution of the Family follow'd gene-
'rally in a short Time) or at least the Love of Secu-
'rity, and Care of not engaging too far, (for those
'Tryals happen'd for the most Part in unquiet
'and troublesome Times) would keep indifferent
'Men away. But the Care for a Friend, could
'not fail of bringing Friends to the Tryals.
'The Concern to preserve the Family from that
'Stain, would bring Relations; and if there
'were any Accomplices, they would be ready
'for their own Sakes, to acquit the Accus'd:
'And probably their Number might be conside-
'rable in those Cases; for it was not to be ima-
'gin'd, that a Lord could enter into those base
'and detestable Actions, which might be per-
'form'd by single Persons, such as poisoning, or
'assassinating the Prince. That the Treasons
'which it could be imagin'd Lords might be
'engag'd in, must be such as arise from Facti-
'on in the State, which many must be engag'd
'in; and if some Accident should discover
'sufficient Matter for a Charge against one
'of the Parties; the rest who were conceal'd,
'would have as good Right to try their Confe-
'derates, as any indifferent Lord; and no
'doubt but it was their Interest to acquit him;
'and how far at some Times that alone might
'go towards turning the Scale of Justice, might
'deserve to be consider'd; especially in Times
'that might happen thereafter, because they
'had happen'd heretofore, when there *might be*
'*several Titles set up to the Crown, and great Parties*
'*form'd.* That this was a Law that was to have
'a perpetual Continuance: And that the same
'Loyalty, Wisdom, and Zeal, which appear'd
'then in their Lordships, should be deriv'd

'down to all their Posterity, was a Thing ra-
'ther to be wish'd, than depended upon. If
'therefore the Clause had a Tendency towards
'letting in an Impunity for Treason, the Com-
'mons look'd upon themselves as justify'd in
'disagreeing to it; for they thought it obvious to
'every one, of what Consequence it would be
'to the Constitution, if such a Body as the Peers,
'who had already such Privileges of all sorts,
'should have Impunity of Treason added; and
'what that must naturally end in.

Lastly, he told them, 'That the Commons
'agreed with the Lords; that a good Corref-
'pondence between the two Houses, was necessary
'for the Safety, Honour, and Greatness of the
'Nation; and could never think that it was to
'be interrupted by their refusing any Thing
'which might endanger the Constitution; as-
'suring them, the Commons would never fail
'of improving all true Interest of the Lords;
'but they perswaded themselves that the Lords
'would be of Opinion, that to introduce any
'Thing which tended to an Impunity of Trea-
'son, was neither the true Interest of the Crown,
'the Lords, nor the Commons.

This Conference occasion'd great Debates in both Houses of Parliament, and was follow'd by three others, wherein Mr. *Montague* discover'd such an Address in the Art of Speaking, and Perspicuity of Judgment, as to make the Lords, who were his Opponents in the Argument, and had been long vers'd in Disputes of that Nature, wonder at the Discovery made of such uncommon Abilities, at the same Time as they continu'd to insist upon their Clause, which the Commons

Digitized by Google

Commons would by no Means admit; the Result of which was, that the Bill was loſt.

However, Mr. *Montague* gain'd ſuch Applauſe in the Management of the ſaid Debate, on the Part of the Commons, that the King was appriz'd of it, by the Means of the Earl of *Dorſet*, who omitted no Opportunities of ſpeaking to that Prince in his Favour; and finding a Vacancy in the Commiſſioners of his Majeſty's Treaſury, by the Reſignation of *Thomas Pelham*, Eſq; obtain'd it for him. Such an eminent Station as this, could not but give to, and take a Luſtre from the Perſon that fill'd it; and our young Courtier, that was now ſworn a Privy-Councillor, by Virtue of his Office, ſo diſtinguiſh'd himſelf both at the Treaſury and Council Boards, that his Majeſty, ſome Time after, upon altering the Commiſſion aforeſaid, not only made him the ſecond Commiſſioner, but, for a *Reward of eminent Services done in the Houſe of Commons, with great Dexterity and Induſtry*, as mention'd in the Patent, appointed him Chancellor and Under-Treaſurer of the Exchequer; which Grant ſo bound him to the cloſe Purſuit of the Duties which belong'd to it, that in Return to his Majeſty's Favour, and the Applauſe of the whole Nation, he gave Birth to ſuch a ſtupendious and uſeful Project, as at once ſtartles and delights the Imagination, at the very Thoughts of it.

The ill State of the current Coin of the Kingdom, through the Means of Clippers and Coiners, who, notwithſtanding the Severity of the Law, by which ſeveral were puniſh'd as in Caſes of High Treaſon, was now ſuch a crying Grievance, as to ſtand in need of an immediate Remedy; wherefore

Digitized by Google

wherefore Mr. *Montague*, who, in Conjunction with the Lord Keeper *Somers*, his laſt Friend, had adviſ'd the King to make mention of it to his Parliament on the twenty ſecond of *November*, 1695, after he had made Proviſion for the Paſſage of his Favourite Bill, *for regulating Trials in Caſes of High Treaſon, and Miſpriſion of Treaſon*, through both Houſes, mov'd the Commons for taking under Conſideration that Part of his Majeſty's Speech, *That related to the ill State of the Coin.* But before I bring the Reader to a View of his Management on that Head, it will not be improper to remark, that while the Treaſon-Bill was depending, the Perſon whoſe MEMOIRS are in Hand, roſe up in order to ſpeak for it; and having begun his Speech, ſeem'd to be ſo ſurpriz'd, that for a While he could not go on; but having recover'd himſelf, took Occaſion, from his very Surprize, *To enforce the Neceſſity of allowing Council to Priſoners who were to appear before their Judges, ſince he, who was not only innocent, and unaccus'd, but one of their own Members, was ſo daſh'd when he was to ſpeak before that wiſe and illuſtrious Aſſembly.* Which Turn of Wit did no ſmall Service in promoting that expedient Bill.

Now the Queſtion about making good the Deficiency of the clipp'd Money, was, *Whether it was neceſſary or expedient to recoin the Silver Money?* The Country Party held the *Negative*; thoſe on the Side of the Court, the *Affirmative*; and the Arguments on the Part of both, were weighty. The Reaſons againſt calling in, and recoining the Money, urg'd by Mr. *Bromley*, Sir *John Packington*, *Heneage Finch*, and *Robert Harby*, Eſqrs, &c, were, 'That this was no fit

Juncture

'Juncture for it, while the Nation was engag'd
'in a burthensome and doubtful War, by which
'the Kingdom had already greatly suffer'd, and
'of which it grew every Day more sensible.
'That therefore the People, on whose good Af-
'fections the Government so much depended,
'should not be provok'd by fresh Grievances,
'greater than they had yet felt, as those would
'certainly be, that must arise from the calling
'in the Silver Coin. That if this was done,
'however Things might be manag'd and accom-
'modated at Home, it were impossible to main-
'tain either the Commerce or the War abroad;
'for neither the Merchant could be paid his Bills
'of Exchange, nor the Soldier receive his Sub-
'sistence. That this was to lay the Ax to the
'Root, and to dig up the Foundation of the
'Government. That if this Design were prose-
'cuted, Trade would unavoidably stand still
'for want of mutual Payments; whence such
'Disorder and Confusion would certainly follow,
'as would discourage and dishearten the People
'in the highest Measure, if not drive them to
'perfect Dispair, as Dispair would to the most
'terrible Extremities. That therefore recoin-
'ing the Money at this Time, was by no
'Means to be attempted without hazarding
'All.

'Twas alledg'd by Mr. *Montague*, who was of the contrary Opinion, and to which many eminent Members adher'd, *That the Mischief would be fatal, if a present Remedy was not found out and apply'd. That by Reason of the ill State of the Coin, the Change abroad was infinitely to the Nation's Prejudice. That the Supplies that were rais'd to maintain the Army, would never attain*

their

their End, being ſo much diminiſh'd, and devour'd by the unequal Change, and exorbitant Premiums before they reach'd the Camp. That this was the unhappy Cauſe that the Guineas advanc'd to thirty Shillings, and foreign Gold in Proportion. That therefore, to the Nation's great Loſs, not only the Dutch, *but indeed all* Europe *ſent that Commodity to this Market, and would continue to do ſo, 'till the Nation ſhould be impoveriſh'd and undone by Plenty of Gold. That we muſt exchange for their Gold, our Goods, or our Silver, 'till at laſt we ſhould have only Guineas to Trade withal; which no Body could think our Neighbours would be ſo kind to receive back at the Value they were at here. That therefore this Diſeaſe would every Day take deeper Root, infect the very Vitals of the Nation, and, if not remedy'd, would ſoon become incurable. That our Enemies would be mightily intimidated by ſo great an Action, and would ſooner be induc'd to agree to honourable Terms of Peace, in caſe they ſaw us able to ſurmount that Difficulty, by the reireving the ill State of the Coin, on which their Hopes of the Nation's ſpeedy Ruin ſo much depended; and that it would juſtly create a mighty Eſteem Abroad, of the Greatneſs and Wiſdom of the Parliament of* England, *which was able to conquer ſuch an obſtinate, and almoſt inſuperable Evil in ſuch a Juncture of Affairs.*

Theſe Matters being fully debated, the Houſe reſolv'd, by a Majority of 60 Voices, (ſuch was the Weight of Mr. *Montague*'s Argument) to recoin the Silver-Money, chuſing rather to run the Hazard of great Inconveniencies, than by a longer Neglect, to expoſe the Kingdom to apparent Ruin. The next Step was to conſider, *Whether the ſeveral Denominations of the new Money, ſhould have*

Digitized by Google

have the same Weight and Fineness as the old, or whether the establish'd Standard should be rais'd? This Question likewise produc'd many Debates, among which, Mr. *Robert Harley*, who was for raising the Standard, and jealous of Mr. *Montague*'s growing Interest, and rising Greatness, argu'd, "That the Price of an Ounce of Silver-'Bullion, was advanc'd to six Shillings and three 'Pence, and therefore the Standard ought to be 'rais'd to an Equality. That the raising the 'Standard, would prevent the Exportation of 'our Coin, and the melting it down, which of 'late Years had been much practis'd, to the 'great Prejudice of the Kingdom; and that it 'would encourage People to bring in their Plate 'and Bullion into the *Mint*." To this, Mr. *Montague*, the Chancellor of the Exchequer, reply'd; *That he was for preserving the old Standard, and that as to the Price of Bullion, then rais'd to six Shillings and three Pence, it was impossible the Price of Silver could rise and fall in respect of it self; but the Alteration of the Value of Bullion, was merely in relation to diminish'd Money; for it was still Matter of Fact, that with five Shillings and two Pence of new mill'd Money, they could buy an Ounce of Bullion, while those who paid it with clipp'd Pieces, paid six Shillings and three Pence.* As to the Argument of preventing the Exportation of Money, by raising the Standard, it was answer'd by the same worthy Person, *That there was no Way possible to keep our Money at Home, but by out-trading our Neighbours, and sending them more Commodities, or of greater Value than we receiv'd from them*, &c. So that Mr. *Montague* again carry'd his Point maugre all Opposition, and had the Honour of a Majority that

 determin'd

determin'd in favour of his Proposal, and resolv'd, *That all clipp'd Money should be recein'd, according to the establish'd Standard of the Mint, both as to the Weight and Fineness.* Hereupon Mr. Chancellor of the Exchequer, in pursuance of this Resolution, had Leave to prepare and bring in a *Bill for regulating the Coinage of the Silver Money*, with a Clause of Loan to be inserted in it, in favour of such as would advance Money on the Credit of the Exchequer in general, transferrable to such Funds as should be settled by Parliament, towards making good the Deficiency of the clipp'd Money; as also an Order to take Care therein, that all Persons who should bring in clipp'd Money, should have a Recompence for the same; for which 1200000 *l.* were to be rais'd by a Tax upon Window-Lights, *&c.*

This wise Precedure, with his Insertion of another Clause in the said Bill, *To prevent the melting down and Exportation of Coin, or any Bullion*, in Concert with one, *To prohibit the Use of Plate in publick Houses*, prov'd a very useful Expedient to supply the Mints with Bullion, and to circulate Trade; which for some short Time had a Stop put to it, by the Surprize People were under at the Boldness of an Attempt they look'd upon to be impracticable. Yet, notwithstanding the aforesaid Bill met with little Interruption from the House of Commons, thro' which it pass'd, and was handed to the Lords very successfully, the Peers thought fit to clog it with so many Amendments, which could not be agreed to after several Debates and Conferences. Wherefore Mr. *Montague*, no ways disheartened in the Pursuit of the publick Interest,

Digitized by Google

reſt, brought in another for *Remedying the ill State of the Coin of the Kingdom*; which having been read three Times, and conſented to by the Commons, had the Concurrence of the Lords, and the Royal Aſſent, tho' little different from the other, but in the Words of the Title, which the Chancellor had very artfully contriv'd.

The Reſult of this Act was ſo amazing and ſtupendous, that the *French* King, who had wiſh'd for nothing more than the Entrance upon ſo hazardous an Undertaking, ſeeing our Treaſures were as inexhauſtible as our Projects, from that Time forward entertain'd Thoughts of Peace, and was induc'd to give Ear to ſome Propoſals that had been made by the Baron *Lillenroot*, Embaſſador from *Charles* II, King of *Sweden*; and by the Continuance of other ſucceſsful Methods for ſupporting the Charge of an expenſive War, in Conſequence of the Chancellor of the Exchequer's provident and inuring Schemes, were accepted, and follow'd two Years after by the Treaty of *Ryſwick*; which, tho' not ſo advantagious as could have been wiſh'd, was prudently concluded, ſince the Contentions that were then riſing, and afterwards grew to a Height between the two Houſes of Parliament, might have made it leſs beneficial.

But the *remedying the ill State of the Coin*, (how miraculouſly ſoever accompliſh'd) was not to be the moſt prudent and moſt fortunate Atchievement of this great and adventurous Statesman; he had, like another *Hercules*, after the Conqueſt and Removal of one Difficulty, others of a more dangerous Nature to encounter with; and the *Loſs of publick Credit*, which in

Digitized by Google

the Year 1696, seem'd irretrievable, was to owe its Recovery to his Conduct. He therefore, with his wonted Forecast, set himself at work to extricate the Nation from the inconceivable Pressures wherewith it was involv'd: For the Tallies struck, or Funds settled by Parliament, especially such as were remote, were exchang'd for ready Money at a great Loss; and the Government was oblig'd to make excessive Discounts and Allowances, to bring Treasure into the Exchequer. This great Loss of Credit, which was like to prove fatal to our Affairs in the preceeding Campaign, arose chiefly from two Springs: First, the Deficiencies of Parliamentary Funds, particularly the unhappy Project of the Land-Bank, which and prov'd wholly abortive, and did not produce one Penny of above two Millions and a half with which it was charg'd: Secondly, the recoining of the Silver. The first created Trust, and the latter destroy'd it, by making Money scarce. 'Tis easy to imagine what perishing Circumstances the Nation was in, when the Notes of the Bank of *England*, which had been a mighty Help to the Publick, were discounted at twenty, and Tallies at forty, fifty, and sixty *per Cent.* The Government had contracted a great Debt, some Funds were wholly taken away, and the rest render'd deficient; great Numbers of Tallies were on Funds very remote, and some had no Funds at all. Hereby the Trust and good Opinion of the People were so far lost, that those who had any Money to lend, shew'd the greatest Backwardness imaginable to bring it into the Exchequer, when they could *Stockjob* it to a much greater Advantage in *Exchange-Alley*;

Digitized by Google

Alley; and therefore all Loans to the Government, were procur'd on exorbitant Premiums.

All Men were ſtruck with Horror and Confuſion, at this Obſtruction to Trade and Credit, which had wholly deſerted their wonted Channel, and hardly believ'd it to be in Human Wit to find out any Expedient to recover them from ſo great a Diſorder and Miſchief, 'till the Nation ſaw it ſelf once more oblig'd to the Wiſdom, Sagacity, and Eloquence of Mr. *Montague*, who gave Life to the whole Deſign, and projected and invigorated the moſt happy Methods that brought it to a happy Effect. By his Means it was, and the Intereſt he had in the Houſe of Commons, that an Eſtimate was made, and laid before them, of what Sums were, or would be wanting, to diſcharge all the Principal and Intereſt due, or to become due, on the ſeveral Aids, Duties, or Funds, over and above all Arrears then ſtanding out upon them that were determin'd; beſides all Moneys to be rais'd by ſuch as were unexpir'd: To him it was owing, that the People were given to underſtand, that by former Miſmanagements, and ſome Exigencies of State, the Nation was indebted five Millions, one hundred, and ſixty thouſand, four hundred Pounds; and to him, that having got to the Bottom of the Diſeaſe, they came to Reſolutions for a thorough Cure. For the Houſe being made ſenſible, that if ſome Deficiencies had been taken Care of, and others neglected, publick Credit muſt have continu'd lame, and the Government have halted, if it had not fallen to the Ground; they judg'd it of abſolute Neceſſity to make Proviſion for the whole, that ſo there ſhould remain no Tally without

Digitized by Google

out a Fund, nor any Tally on a deficient Fund, but what in its Course of Payment, should be satisfy'd and discharg'd.

In order to this, they continu'd diverse Duties arising not only by the Customs, but by continuing additional Impositions, after the Day on which they would otherwise have expir'd, and appointed all the Monies which should arise, and be brought into his Majesty's Exchequer, from any of those Taxes, or Duties, from the Day on which they were otherwise to expire, to the first Day of *August*, 1706, to be the general Fund for making good all the deficient Ones, by the Satisfaction and Payment of the Principal and Interest due, or to become due thereupon. And that all Occasion of Complaint might be remov'd, and equal Provision made for all, the Parliament directed, according to Mr. *Montague*'s Scheme, that all Monies arising from the Duties so, as before, appropriated for the general Fund, should be distributed and apply'd to pay Principal and Interest upon every one of the deficient Funds, in Proportion to the Sum of which they were deficient; and that all the Money which should be in such a due Proportion distributed, or plac'd to the Accompt of each deficient Tax or Fund, for the Discharge of Principal and Interest, should be paid out to all who were intitled to receive the same, in such Course and Order, as if the same Monies were really arising by the respective deficient Funds, and that without being diverted, misapply'd, or postpon'd; and made the Officers of his Majesty's Treasury, liable to great Penalties, in case that Method was not observ'd. Moreover,

Digitized by Google

ever, to remove all Doubts about the Security intended to be given, in case that on the first of *August*, 1706, or within three Months then next ensuing, the whole Produce of the several Funds and Revenues appropriated for a general Fund, together with other Grants then in Being, should not be sufficient to discharge the Sum of five Millions, one hundred and sixty thousand four hundred Pounds, intended to be discharg'd, that then what was deficient, should be made good out of such Aids or Revenues as should be granted in the next Session of Parliament.

Thus, through the Interest he had in the House of Commons, those worthy Patriots, by an admirable Stroke of Wisdom, as well as a noble Act of publick Justice, provided a sufficient Security for that great Debt that lay heavy upon the Nation, which was all that could be demanded or expected, at a Time when Money was not in Being, and therefore not to be had. And thus, because all the Branches of publick Credit did plainly depend on, and mutually support each other, the Parliament, by his Means, took into Consideration, by what Methods they might buoy up the Credit of the Bank of *England*, which was then ready to sink.

The Parliament, on *February* 3, 1696, agreed to augment the common capital Stock of the said Bank, by admitting new Subscriptions; which new Subscriptions should be made good in Tallies and *Bank-Notes*. The Proportion was four Fifths of the first, and one Fifth of the last; and an Interest of eight *per Cent.* was allow'd, as well for such Tallies that should be brought

brought in to enlarge their Stock by new Subscriptions, as for those Tallies which the Company was then possess'd of; provided they did not exceed the Value of those *Bank-Notes*, which should be paid in upon this Enlargement of their new Stock; and for securing the Payment of their Interest of eight *per cent.* the additional Duty on Salt was afterwards granted and appropriated. They likewise thought to extend the Time of the Continuance of the Bank of *England*, to the Year 1710; gave Liberty to enlarge the Number of its Bills, voted that no other Bank should be erected in Prejudice of it, and made it one of their chief Cares to prevent the abetting, counterfeiting, or forging any Bank Bills, or Notes; as likewise the defacing, rasing, or altering any Indorsement, upon any such Bill, or Note, *&c.* Upon which Encouragements, a Million was subscrib'd, and paid in Tallies and Bank-Notes, as the Parliament directed. This Expedient, says a learned Historian, now a Dignitary in the Church, *Was the Result of Mr.* Charles Montague's *Skill and Prudence; and tho' many Persons, who were interested in it, could not presently apprehend the Reasonableness of it; yet the Advantages they afterwards received, did fully convince them, that no other Way could have been found to call back their sinking Credit.* For the Value of two hundred thousand Pounds in Bank-Notes, being sunk by the new Subscription, (the rest, as it was reasonable to believe they would) began presently to rise in Worth; and so likewise did the Tallies, after so many as amounted to eight hundred thousand Pounds, were paid in to enlarge the Bank. Upon this, the

Digitized by Google

the Credit at *Grocers-Hall* recover'd apace, till, in a ſhort Time, their Notes, which bore no Intereſt, were at a *Par* with Money, and their Bills that bore Intereſt, better than Money. And by this Means the Face of Affairs was much chang'd for the better, and bore a more lively Complexion. Credit was brought out of thoſe Agonies wherein it was like to expire, and Money began to circulate on very moderate Terms; foreign Exchange being leſs to our Diſadvantage, and ſoon after brought to an Equality: And whatſoever Hardſhips the People had undergone, by the Means of a long and expenſive War, and the re-coining of the Silver Money, which could not but occaſion Complaints, yet the greateſt Part attributed this to the Neceſſity of Affairs, and began to hope, both from the Proſpect of a Peace, and the Wiſdom of thoſe at the Helm, amongſt whom Mr. *Montague* was of the firſt Claſs, that they ſhould enjoy more favourable Times.

Another Evil of no leſs Difficulty, or Importance, than the Loſs of Credit, (and which, as was hinted as before, was one of the Springs of the latter) the *Britiſh Matchiavel*, very providently foreſaw, remained ſtill to be remov'd, and that was the great *Scarcity of Money*. He therefore made a Motion in Parliament, to prevent Diſappointments, by ſettling Funds which might be deficient, which was follow'd by a Reſolution, *That the Supplies for the Year 1697, ſhould be rais'd within a Year.* But how could above five Millions be rais'd within the Year, while the Silver Money was call'd in, and re-coining, and there was not current Coin enough in the Nation to anſwer the Occaſions

of Trade, and scarcely the Conveniencies and Necessities of Life? This Vote in Parliament seem'd impracticable; the Enemies of the Government made themselves merry with it, and instead of raising their Spleen, 'twas the Entertainment of their pleasant Humour: Nay, many, even fast Friends, and of unshaken Affection for the Government, imagin'd that our Senators, by this, rather express'd their Zeal and Willingness, than their Ability, to support the State, and maintain the present Settlement. But this Parliament, for whose Consultations it was reserv'd to surmount Difficulties, that were look'd on as invincible, made Money without Bullion, and distributed great Quantity of Coin without the help of the Mint. This they did by authorizing the Lords of the Treasury to issue out Bills from the Exchequer to the Value, first and last, of above two Millions; which Bills, were first appointed to be brought in, and sunk upon the Capitation-Tax then on Foot; but before the Sessions ended, the Chancellor of the Exchequer, having convinc'd the House, from the first Collection of that Duty, that it would prove very deficient, they appointed the Exchequer-Bills to be brought in, on any other of the King's Duties, or Revenues, but the Land-Tax; and by his Address allow'd an Interest of seven Pounds twelve Shillings *per Annum*, upon the second issuing the said Bills out of the Exchequer; whereas at first they bore no Interest. By this a good Foundation was made for Paper-Money to supply the Place of the Silver Coin, for so many Payments were to be made at this Time into the Exchequer, that when the People had Assurance

ſurance given them, that the Exchequer Notes ſhould be receiv'd back again in Payment of the King's Treaſury, they were all ſatisfy'd to take them, at firſt indeed at a ſmall Diſcount, but not long after, at an Equality. A great Number of theſe Notes were only for five or ten Pounds, which anſwer'd the Neceſſity of Commerce among the meaner People, for the common Conveniencies of Life. And that thoſe who advanc'd Money on Loans, upon any Part of the King's Revenues, might not be oblig'd to receive it back in Notes that were under the Value of Money, to ſtrengthen the Reputation of theſe Bills, the Lords of the Treaſury were authoriz'd to contract with any Corporation, or Numbers of private Men, and to allow them a competent *Premium*, provided they oblig'd themſelves to exchange thoſe Notes for ready Money, when tender'd to them for that Purpoſe. The Credit of the Exchequer Notes being thus ſecur'd, they daily aroſe nearer to *Par*, 'till at laſt they exceeded the Value of Money. And whereas the Truſtees, with whom the Government had contracted to exchange them, were at firſt allow'd Ten *per Cent.* as a *Premium*, they were ſince content to do it for Four. Theſe Bills paſs'd as ſo many Counters, which the People very readily believ'd, becauſe they knew the Exchequer would take them again as ſo much Money in Hand. And theſe State-Counters ſo well ſupply'd the Want of Money, 'till new Coin was iſſu'd from the Mint, that Trade and Commerce were maintain'd, and mutual Payments effectually made to anſwer the Demands of the Government and the People. *This Project*, ſays my Hiſtorian before-mention'd, *(which prov'd a ſufficient, tho' a Paper-Prop, to ſup-*

port the State, when its Silver Pillars, if I may ſo ſpeak, were for a Time remov'd) was likewiſe owing to the Prudence and Induſtry of Mr. Charles Montague, *as well as that of re-coining the Money, which thoſe very Men, who envy'd moſt his Succeſs in the Houſe of Commons, and growing Power at Court, were afterwards contented to call a* Fortunate Temerity.

While the Parliament was thus conſulting the Intereſt of the Sovereign and the People, they met with ſome Interruption to their Proceedings, from a very uncommon Affair. One Sir *John Fenwick*, a Gentleman of a good Family in *Northumberland*, and deſcended from very Loyal Anceſtors, had been taken at *New Romney* in *Kent*, in an Attempt to paſs over to *France*, after a Proclamation had been iſſued out againſt him, for being concern'd in a Conſpiracy to aſſaſſinate the King's Majeſty, with ſeveral others that had been executed for the ſame, (as Sir *William Perkins*, Sir *John Freind*, &c.) and to ſubvert the Conſtitution then in Being; but had found Means to delay his Tryal, from the Month of *June*, wherein he was apprehended, 'till a conſiderable Time after; nay, even to the Return of the King from *Holland*, in *October* following, during which Time he had contriv'd by his Agents abroad, for a Sum of Money, to prevail with one *Cardel Goodman*, that was an Evidence againſt him, and had, with Captain *Porter*, accus'd him upon Oath, to withdraw himſelf into *France*; by the Means of which, he was not without Hopes of being acquitted, ſince the late *Act of Parliament for regulating Tryals in Caſes of High Treaſon*, had made it unlawful for any Perſon to be convicted of that capital Crime, but by the Depoſitions of two credible Witneſſes.

Digitized by Google

Witneſſes. But he had, during his Confinement in the *Tower*, acted ſo diſingeniouſly, through the Perſwaſion of a certain Lord, who, to gratify a private Reſentment, or rather to trick him out of his Life, as to accuſe ſeveral of the King's beſt Friends, *viz.* the Duke of *Shrewſbury*, the Earl of *Marlborough*, Lord *Godolphin*, Admiral *Ruſſel*, Commiſſary *Crawford*, &c. that it had exaſperated the Court againſt him, who, finding themſelves abus'd by ſuch clandeſtine Practices, and having no Room left to bring him to Puniſhment by the ordinary Courſe of Law, adviſ'd the King to deliver the Papers wherein the ſaid Accuſation was inſerted, to Mr. *Ruſſel*, who, as a Member of the Houſe, laid them before the Commons, and deſir'd them to be read, that he, and other Perſons concern'd therein, might juſtify themſelves. Accordingly they were read, and Sir *John Fenwick* was immediately order'd to be brought before them, who, inſtead of making the Diſcovery promis'd therein, had little or nothing to ſay; wherefore a Bill was brought in to attaint him of High Treaſon.

As this was a new and extraordinary Proceedure, ſo a great many Members, that were Well-wiſhers to the Government, could not but think themſelves bound to oppoſe it, in particular Mr. *Boyle*, (now Lord *Carleton*) Sir *Edward Seymour*, Sir *Chriſtopher Muſgrave*, *John How*, Eſq; Mr. *Harley*, &c. the ſecond of which, not to particularize, in his Anſwer to ſeveral others, he reply'd to in the Cloſe of that Affair, in theſe Words.

The

Digitized by Google

The Third Reading of the BILL *after this Manner.*

Mr. *Speaker*,

'THE Gentleman that ſpoke laſt, (Sir *Edward Seymour*) hath carry'd the Reaſon againſt this Bill a little farther than ſome others; for it ſeems now, we are not to reject the Bill, for want of one Witneſs that is legal in *Weſtminſter-Hall*; but it ſeems there is no Evidence at all; and, by Capt. *Porter*'s not being pardon'd, and yet *drudging* for his Pardon, as to all that have been condemn'd upon his Teſtimony, he hath arraign'd the Evidence, as not ſufficient, and hopes that will be the Judgment of the Houſe upon the Bill. I think if the Houſe rejects this Bill upon that Argument, it will go farther than many mean that oppoſe it.

'Another Thing he ſays, he compares the Convictions that I have upon my Judgment, and of every Body elſe, who ſpeak from the Proofs that are made, that he is guilty to the *Whims of two or three Mad-Men*; whereas we go according to the Evidence brought at the Bar; we don't go upon the Whimſies of *Ravillac* and *Felton*, but upon the Proofs that have been made here; and though there are not two Witneſſes, yet upon what appears in Proof, I am convinc'd that he is guilty; and upon that Conviction, I think, according to the Duty I owe my Country, and the Conſtitution of *England*, when a Bill does come to puniſh the Man whom I think guilty, I think I ought to be for the Bill. As to what is ſaid out of *Deuteronomy*, that the *Law of God is againſt it*, if you will

Digitized by Google

'will argue a *Fortiori*, 'tis literally true in 'the Case of Murder; but whether Murder 'or Treason, there is the Life of a Man con-'cern'd, and 'tis not the Punishment, whether 'to be hang'd, or hang'd, drawn, and quar-'ter'd, that makes any great Difference; and 'give me Leave to say, if you make Precedents 'from the *Jewish* Law, then I say, the Law of '*England* is against that Law in Case of Mur-'der; and, by the same Reason, you may desire 'Leave to bring in a Bill to repeal all those 'Laws.

Sir,

'If this was the *Eternal Law, of God and Man*, 'where was this *Eternal Law* before *Edward* the '6th's Time? If it be the *Eternal Law* that there 'must be two Witnesses, why does it not hold 'in *England*, even in some Cases of Treason to 'this Day, I mean the Treason of Clipping and 'Coining? So that the Nature of these Faults, 'is what the Law of every Country ordains, 'and that is the Law. And the Way of Evi-'dence and Proof too, differs in every Country; 'and I affirm, that there never was any Go-'vernment in which there was not a Power 'lodg'd some where to be exerted upon extraor-'dinary Occasions, beyond the common Way of 'Prosecution.

'I don't care to travel into the several Coun-'tries, to see how their Constitution is; but I 'believe there is not one Place in *Europe*, in 'which it is strictly necessary there should be 'two Witnesses to take away the Life of a 'Man; but it is generally so as it is here, in all 'ordinary Cases; but in this Case, this last Law 'does not go upon two Witnesses, for you have

a Pro-

'a Proviſo in it, which does abſolutely except Proceedings in Parliament. I do not infer from 'thence, that you ſhould not have two Witneſſes, if you proceed by Way of Impeachment, 'I think you ought, and ſo for Witneſſes having 'upon Oath, &c. When theſe Proceedings 'are in Parliament, there is a direct Proviſo, by 'which the Parliament is exempted from thoſe 'Rules. Upon the whole Matter, I think this 'Man is guilty; I think the Precedent would be 'more fatal, to ſay that a Parliament cannot 'proceed in ſuch a Caſe, than that a guilty Man 'ſhould ſuffer. Here is a Bill found againſt 'him by his Country, the Evidence of his 'Friends having tamper'd with one of the Wit-'neſſes, (*viz.* Capt. *Porter*, by *Clancy*, convicted for the ſame) confirm'd by a Jury, &c.

'A learned Gentleman ſays, he could come 'up to make this Paper Evidence, (but can't 'come up to make ſuch a Law) by which every 'other Man that is concern'd in that Depoſition, 'would be affected; but here is ſomething par-'ticular in this Caſe; a Man that hath been 'abroad, and hath not us'd the like Artifice, I 'think you ought not to uſe the like Power to 'puniſh him that is not guilty of the like Crime: 'And therefore I ſhall conclude: But I muſt take 'Notice of one Thing, — It was ſaid, that this 'was the firſt Precedent of this Kind begun in 'this Houſe, but that of the Duke of *Monmouth*; 'but I believe, if this Bill of Attainder is not 'to be begun in this Houſe, 'tis not to be brought 'in at all; for I believe that there is a Statute, 'wherein the Life of a Commoner is never 'to be meddled with by the Lords, originally. 'I will not trouble you any farther, I do in my

'Conſci-

Digitized by Google

' Conſcience think, that Sir *John Fenwick* is ' guilty, and therefore I am for this Bill.

Whether thoſe that were for attainting this unhappy Gentleman, who, if he had acted more diſcreetly, would have deſerv'd a better Fate, were in the Right. I ſhall not determine; but ſuch was the Intereſt of the Great Men whom he had provok'd, eſpecially of Mr. *Mountague*, who could not but have the utmoſt Abhorrence of evil Practices againſt his Sovereign Lord and Maſter, that the Bill paſs'd, by a Majority of 33 Voices in the Houſe of Commons, and was carry'd in that of the Peers, by ſeven in the Affirmitive.

To return to the more immediate Particulars of this illuſtrious Perſonage's Life, without blending them with the Actions of others, which muſt be done in the Recital of ſuch Occurrences as are of a Piece with the foregoing Debates, after I have recollected what had well nigh eſcap'd my Memory, by letting the Reader know, that he was no ſooner in a Capacity of rewarding eminent Deſerts, but he readily embrac'd all Occaſions of doing it; and became the Patron of Wit, that had before been the Mirror of it; as was exemplify'd in his Care of Mr. *Stepney*, whom he procur'd, by his Intereſt, to be ſent to the Courts of ſeveral Princes, in the Quality of Envoy Extraordinary; Mr. *Congreve*, whom he not only generouſly ſupported and encourag'd, but handſomely provided for, by getting him admitted into ſeveral profitable Poſts; Mr. *Addiſon*, whom he advanc'd to the Figure he now makes in the political and learned World, by recommending him, with the juſt Interceſſion of my Lord *Somers*, to a travelling Poſt, at the Charge of King *William*; thro' the Means of which,

no Nation can shew a more succinct and useful Account of *Italy* than ours; and many others, that distinguish themselves, at this Day, by their celebrated Writings, highly instrumental to the Improvement and Edification of Mankind. The false Endorsement of Exchequer Bills, being grown into a Practice in the Year 1697, the Commons, led thereunto by the Reasons Mr. *Montagie* gave for a thorough Examination into that Affair, in order to redress the Grievances which were the natural Consequences of it, took it under their Consideration: Now, because there was an Interest of five Pounds twelve Shillings *per Annum* allow'd upon the second issuing the said Bills out of the Exchequer, after they had been paid in on any of the King's Taxes; whereas, at their first issuing out of the Exchequer, this encouraged several of the Officers of the Customs and the Excise, to contrive together to get great Sums of Money by false Endorsements on these Exchequer Bills, before they had circulated about, and been brought into any Branch of his Majesty's Revenue; the most considerable Persons, were Mr. *Charles* (afterwards Sir *Charles*) *Duncomb*, Receiver-General of the Excise; Mr. *John Knight*, Treasurer of the Customs; Mr. *Bartholomew Burton*, who had a Place in the Excise-Office; and Mr. *Reginald Marriot*, one of the Deputy-Tellers of the Exchequer, which last, to get his Pardon, compounded to accuse the rest. Upon a full Proof of the Matter, which the Chancellor of the Exchequer follow'd thro' all its Windings and Meanders, *Duncomb* and *Knight*, who were Members of Parliament, were expell'd the House of Commons, and committed Prisoners to the *Tower*, and *Burton* sent to *Newgate*, and Bills brought in to punish them. That against

gainſt Mr. *Duncomb*, who appear'd to be the moſt flagrant Offender, whereby a Fine of near half his Eſtate (which at that Time was judg'd to amount to 400000 l.) was ſet upon him, quickly paſs'd the Houſe of Commons, notwithſtanding the Oppoſition that was made to it. But being ſent up to the Houſe of Lords, was rejected by the ſingle Voice of the Duke of *Leeds*; ſo that the impending Storm that would have ſhower'd down Treaſure enough to have amply provided for ſome of the emergent Occaſions of the State, was ſuppos'd to be diſpell'd by a Golden Sacrifice. The Bills againſt *Knight* and *Burton* had the ſame Fate; by which all thoſe threatning Clouds that ſeem'd ready to cruſh the falſe Endorſers, ſpent themſelves in Vapour and Noiſe, without having that happy Iſſue which was propos'd by Mr. *Montague*. The firſt Time he acted unſucceſsfully in Parliament, and was not ſuperior in his Schemes to all Manner of Oppoſition.

Hereupon his Enemies, fluſh'd by having once obtain'd the Superiority over him, and thinking to carry all other Points againſt him, under a Pretence of applying all the forfeited Eſtates to the Uſe of the Publick, made an Enquiry into the Grants made by King *Charles* II. and *James* II, and order'd a Bill to be brought in to make them void, which they did, with no other View; for it was the leaſt of their Deſigns to have it paſs into an Act, than to inſpect into the Grants of King *William* in *Ireland*; and becauſe one was found made there to Mr. *Roylton*, which Mr. *Montague* very readily own'd to be for his Benefit, a Warm Debate aroſe, wherein a Motion was made, *that he ſhould withdraw*, which paſſing in the

Digitized by Google

Negative, it was resolv'd by a great Majority that it was the Opinion of the House, *That* Charles Montague, *Esq; Chancellor of the Exchequer, for his good Services to the Government, did deserve his Majesty's Favour.* A Vote that will render his Name famous to all succeeding Ages.

The next Thing Mr. *Montague*, who improv'd all Advantages that offer'd for the Good of the Publick, had to do, was to take into Consideration, a Proposal given into the House of Commons by *Samuel Shepherd, Gilbert Heathcote*, and several other eminent Merchants, for raising two Millions at 8 *l. per Cent.* on Condition that the Trade to *India* might be settled on the Subscribers exclusive of all others, *&c.* which being thought of much greater Consequence to support the Government, under its present Necessity, than one given in by the Old Company for Advancing 700000 *l.* at 4 *l. per Cent.* in Case the Trade to *India* might be settled upon them on the same Terms, was comply'd with; a Bill being order'd to be brought in for that Purpose; tho' not before the Chancellor of the Exchequer had, to take away all Colour of Injustice, signify'd to the Members of the Old Company, That the Commons would have so much Regard to their Settlements, *&c.* as to settle that Trade upon them, if they would accept it on the same Terms and Limitations on which the others were content to take it, and which the Parliament judg'd most advantagious to the Kingdom. But the said Company having rejected it, tho' they would have clos'd with it, when too late, the Bill pass'd the House of Commons, tho' not without great Opposition, and was sent to the Lords, who, after having maturely weigh'd the Reasons

Digitized by Google

Reaſons on both Sides, likewiſe gave their Concurrence to it.

While it was depending in the Houſe of Commons, the moſt ſubſtantial Arguments againſt it, were, 'That the Bill invaded the Old Company's Property, and ruin'd many Families: 'That in the Charters granted to that Company by Queen *Elizabeth*, King *James* Iſt, King *Charles* IId, and King *James* IId, it was ſuggeſted, that their Corporation was for the Honour of *England*, for the Increaſe of Navigation, and for the Advantage of Trade; That the ſaid Charters contain'd a Grant of the Trade to the *Eaſt-Indies* to the Company, excluſive of all others: That by ſome of them, they were conſtituted the Lords-Proprietors of *Bombay*, and of the Iſland of St. *Helena*: That, by theſe Grants, they were induc'd to think they had a Right in Law to that Trade; at leaſt, that they ſhould have an uncontroverted Title to the Lands: And that on this Preſumption, they had expended above a Million of Money, and acquir'd Revenues of 44000 *l. per Ann.* and many Settlements and Privileges: That the Houſe of Commons had reſolv'd, in the Year 1691, that the *Eaſt-India* Trade ſhould be carry'd on by them in a Joint-Stock, excluſive of all others: That their Company was confirm'd by three Charters granted by King *William*, then reigning: That there was a new Subſcription of 744000*l.* and the Money brought in during the Seſſion of Parliament; and that nothing was done, ſaid, or offer'd againſt his Majeſty's Charter of Regulations; ſo that upon the Publick Faith, (at leaſt tacitly given) ſeventy eight new Adventurers, of which many were

Digitized by Google

'were Widows and Orphans, did ſubſcribe a 'large Part of their Subſtance to ſupport this 'Trade, during a hazardous War, for the Profit 'and Honour of *England*, &c. To this Mr. *Mon-'tague* reply'd,

Mr. SPEAKER,

AS I have the Honour to know the King's Sentiments on this Head, before whom, the ſeveral Charters granted to the Eaſt-India *Company have been laid, ſo I muſt beg your, and the Houſe's Patience, if, in an Anſwer to what the worthy Member that ſpoke laſt, (Sir* Edward Seymour*) who, as you ſhall know hereafter, has been appriz'd of the Tenor of his Majeſty's Intentions better formerly than he ſeems to do now, I repreſent to you, That in the Recital of their Charters, the Company have omitted to give an Account of the* Proviſo's *inſerted therein,* viz. That the reſpective Kings that granted them, reſerv'd a Power to make them void upon three Years Warning. SIR, *The King by his Charter, could not grant the Trade to the* Eaſt-Indies *excluſive of all others; and ſeveral Recoveries at Law have been made againſt them, for proſecuting ſuch pretended Right. Wherefore, ſince the Crown has not a Power to grant ſuch a Right, it is injurious to his Majeſty's Honour, to ſay, that the King, now reigning, has in Fact granted any ſuch Right excluſive. They only mention one of our Reſolutions in the Year* 1691, *but willfully omit another, wherein it is ſaid,* That it was lawful for all Perſons to trade to the *Eaſt-Indies,* unleſs reſtrain'd by Act of Parliament. *Neither have they taken Notice of the Two Addreſſes made by this Houſe to the King in* 1691, *and* 1692, *to diſſolve the Company; and that on the* 14*th of* September, 1692, *this, Sir* Edward Seymour, *who is now turn'd ſuch*

an

Digitized by Google

an Advocate in their Behalf, declar'd, in a Message from his Majesty, saying, that his Majesty had requir'd the East-India Company to answer directly, whether they would submit to such Regulations as his Majesty should judge proper and most likely to advance the Trade? And the Company having fully agreed to it, and declar'd their Resolution in Writing, his Majesty had commanded a Committee of Privy Council to prepare Regulations, which they did, and offer'd them to the Company, who, notwithstanding this Declaration of Submission, rejected almost all the material Particulars. So that his Majesty finding that what possibly the House of Commons might have expected, and indeed is very necessary to preserve the Trade, could not be perfected by his own Authority alone; and that the Commons could not be induc'd to consent to any such Regulations, as might have answer'd the Intentions of the House of Commons; and that the Concurrence of the Parliament was requisite to make a compleat and useful Settlement of this Trade, had directed all the Proceedings in this Matter, to be laid before them, and recommended to them the preparing such a Bill, in order to pass into an Act, as might establish this Trade on such Foundations as were most likely to preserve and advance it. Now, that this Bill has such a Tendency as is desir'd by the King, is most unquestionable.

Besides, the new Adventurers have this to say in Behalf of themselves, that the Charter of the old Company being become void by their Non-payment of the Tax impos'd on them by Parliament, they obtain'd a new Charter in October 1694, by indirect Means; having that Year paid eighty odd thousand Pounds out of the Company's Stock, for special Service; and that this Charter has been contested before the Council, by those they call'd Interlopers; upon the hearing where-

of,

Digitized by Google

of, it was unanswerably prov'd, that the King had not by Law, a Power to grant the Trade to some Persons exclusive of others; and that the Company's Affairs were at that Time in such a Condition, that it would be a plain Cheat to others, who should come into their Stock. They, however, (Law and Reason failing) had Recourse to other Methods, and great Sums of Money were distributed, (as it was acknowledg'd before a Committee of both Houses of Parliament) to get another Charter; but those who were concern'd to advise his Majesty in Point of Law, were so just to their Cause, as to take Care, that no Right of Trade, exclusive of others, was granted; and to provide, that the Company should submit to such Alterations, Restrictions, and Qualifications, as the King should make. In Consequence of which, a new Charter of Regulations was granted on the 17th *of* November, 1693, *and another on the* 28th *of* September, 1694, *wherein, amongst other Things, was this Proviso;* That if it shall appear to the King, his Heirs, and Successors, that the said two Charters, heretofore granted, shall not be profitable to the King, his Heirs, and Successors, and to this Realm; that then, and from thenceforth, upon, and after three Years Warning, to be given to the said Company by the King, *&c.* the same shall cease, be void, and determin'd. *Moreover, it appears by the Proceedings of the House of Commons in* 1694, *how this Charter was obtain'd, which had more in it of private Promises than publick Faith: Nor is it a Matter of Wonder, that the Parliament took no Notice of the Matter, whilst the new Subscribers paid in their Money, when it was consider'd, that, according to Sir* Basil Firebrass's *Depositions,* There were several Contracts, some to the Value of 60000 *l.* on Account of procuring a new Charter, and others to the

the Value of 4000 *l.* on Account of procuring an Act of Parliament.

By such Means, indeed, Matters were over-look'd for a While, but it was not long before the Parliament took publick Notice of it; and if the greater Affairs of the Nation had not been so urgent, and the Session so near an End, the Company perhaps might have had Justice done them then, and had been past complaining of any imaginary Wrong done them now. Wherefore it is plain that it was not for the Profit and Honour of the Nation, that the new Subscribers came in, but that they were deluded into it by a Charter obtain'd by indirect Ways, and by the Hopes of an Act of Parliament to confirm it to be obtain'd in the same manner: For the Trade would have been most undoubtedly much better preserv'd, and more to the Honour of the Nation, if no such underhand Practices had been carry'd on. And if some People thinking themselves to have a greater Reach than others, or being deceiv'd by the old Company's making his Majesty believe their Stock to be worth 750000 l. and by afterwards sharing 325000 l. of the new Subscribers Money among themselves, or by the Persons failing them, who had promis'd to get an Act of Parliament, or by Losses at Sea, or by what other Means soever it were, happen'd to fail in their Expectation, no Body was answerable for it but themselves, especially since they had Warning by the Transactions before the Council.

Sir, I must ask you to spare me a little more Time to alledge, tho' I have long trespass'd on your Patience already: That in Edward III, *and* Queen Elizabeth's *Reigns, upon Complaint in Parliament of Patents granted for Monopolies, most of them were immediately revok'd, and the rest left to the Law: That in King* James *the First's Time, an Act pass'd, to*

make void a Charter for the sole Trade to *Spain*, *and another*, against all Monopolies: *That the* Patents for all joint Stocks (whilst the Trades for which they were granted, were in their Infancy) have been permitted for the settling of a Trade, and that the first Adventurers have receiv'd some reasonable Compensation for their first Undertaking and Adventures, yet afterwards, when those Trades have increas'd, and become great, the Wisdom of the Nation has always thought fit to open a Way for the Kingdom to receive a general Benefit thereby. I am also to observe to this honourable House, that it never was esteem'd a Breach of the publick Faith, or a Derogation either from the Credit of the Great Seal, or from the Honour of our Kings, to have their Patents annull'd by Parliament, when the Grants were thought by that Grand Council of the Nation, not to be reasonable, or to be against the common Right of the Subject; or that no King or Queen thought themselves bound in Honour or Conscience, not to pass an Act of Parliament to make void such Patent. To this I may add, that the King being busy'd in the many arduous Affairs of the Kingdom, cannot be suppos'd to know always what he may legally grant, and is often deceiv'd in his Grants; and for that Reason, they are often annull'd by the ordinary Course of Law; and so may this Company's Patent. For all Men having a Right by Law to trade to the East Indies, unless excluded by Parliament, the King, by his Charter, could not grant to the Company any new Right to the Trade, besides the Privileges of an incorporated Body. Notwithstanding which, the Commons justly bearing a high Veneration to his present Majesty, who has run so great Hazards, and performed such glorious Atchievements for the Honour and Good of the Nation, have taken Care in this Bill, that

nothing

nothing that interferes with his Majesty's Patent, by which the old Company had indeed Power to trade to the East-Indies, and other Privileges, but without any express Clause to exclude others, or any Covenant, (as was in the former Charters from the Crown) that his Majesty will not likewise grant to others to trade thither, during the Continuance of the said Charters. So that even according to the Charters themselves, all other Subjects of England have a right to the East-Indies, and many actually now trade thither without any Hinderance.

The old Company may talk of, and value themselves much upon their Dependance on the Securities of their Charters, yet themselves cannot but be convinc'd, that their Right is not well founded, since they have formerly laid out great Sums of Money to get an Act of Parliament to confirm their Charters, and have lately offer'd to lend 700000 l. to the Government, to have the Trade to themselves, exclusive of all others. As to their offering afterwards to raise two Millions, I answer, That they made no such Offer with an Intention that it shall take Effect, but only as an Amusement to gain Time, and so to baffle the Bill; for at the same Time as they agree to submit their Stock to a Valuation of 55 per Cent. they know very well, that others do not value it at any Thing near so much. And as to their subscribing 200000 l. subject to make good the subsequent Payment of two Millions, that is only to obtain what they have so long aim'd at, an Act of Parliament exclusive for the Sum of 200000 l. whereby the King would be defeated of a much more considerable Loan; others delivering in Subscriptions for 1200000 l. To conclude, the old Company heretofore thought it an Advantage to admit Foreigners into their Trade; many of which,

are actually now in the present Company, that they have pleas'd to urge against it. Therefore, Mr. Speaker, I must give it, as my Opinion, from the Premisses, that the Bills ought to pass.

Such was the Zeal which People of all Ranks, and even Foreigners, shew'd on this Occasion to assist the Government, and promote the Trade of the Nation, that no sooner was the Bill made an Act by the Royal Assent, and Subscription-Books laid open, by the Commissioners appointed by it, on *Thursday* the 14th of *July*, 1698, but on the *Saturday* following the whole Stum, and something above it, was subscrib'd. Nay, it's very probable that two Millions more had been subscrib'd, had not the Books been shut up before the distant Corporations, private Men in remote Countries, and Merchants beyond the Sea, could remit their Commissions, for the great Sums which they intended to subscribe. The Dispatch of so great a Work, in less than three Days Time, after the Nation had been so chargeable a War for so many Years, surpriz'd and amaz'd all the whole World; and as it greatly mortify'd all those who were hopefully assur'd that his Majesty would be disappointed of this Supply, so it gave our neighbouring Nations an admonishing Image, both of the Opulence of *England*, and the Strength of the Government.

This Transaction, view'd in all its Circumstances, was indeed so very strange and wonderful, that the like is not to be found in Story, and 'twill be a hard Matter for Posterity to believe it. This is also to be ascrib'd to the Conduct of the incomparable Mr. *Montague*, who had so much

much Skill in touching the Springs of the People's Affections, that notwithstanding all the Losses they had sustain'd, and all the Expence they had been at, they were prevail'd with to advance this great Supply with such incredible Expedition. And by this Means the Parliament, only by doubling the Duty on Paper and Parchment us'd in Proceedings at Law, and that on Salt, rais'd a Supply of two Millions; which to have done by any another Way, was at that Time a Matter of the highest Difficulty.

Such Marks of Affection and Zeal to his Majesty's Person and Government, were productive of a suitable Esteem in his Royal Master; and his Majesty, after declaring him first Commissioner of the Treasury, in order to render the high Trust he intended to invest him with, less invidious, made him one of the Lords Justices of *England*, during his Absence in *Holland* on his necessary Occasions, in the Year 1698; the Duties of which Post he discharg'd with such Fidelity, that he was again thought worthy of bearing therein the Year following, 1699; and some Time after the King's Arrival from the *Hague*, before the meeting of a new Parliament, having contracted some Envy, and some Hatred, by his prevailing Interest at Court, and his long Ascendant in the House of Commons, was call'd up to a Seat among the PEERS, by the Stile and Title of Baron of *HALIFAX*, in the County of *York*; the Reason of his Advancement being thus expres'd in the Preamble to his Patent, drawn up by Mr. *Prior*. *Si ab antiquissimâ Procerum familiâ, splendorem derivare honestum; & rebus à se pulchrè gestis inclarescere glorioſum censeatur,*

consentatur, utroq; hoc Nomine singulari nostra Affirmationi sese commendat prædilectus; & perquam fidelis Consiliarius noster, CAROLUS MONTAGUE, *Armiger, illa Domo ortus quæ tres Comites & octo simul alterius Ordinis Senatores, in Imperii nostri Decus & Subsidium fœlici Ubertate sufficit; illis Virtutibus ornatus, quibus nullum Honoris Incrementum aut bonus Cives invideat, aut æquus Princeps non ultrà offerat. Ingenium ei ad res ardua formavit Natura, excoluerunt Literæ, perfecere & bene dicendi Usus, & graviter agendi Exercitatio. In tractandis in Senatû Negotiis, strenuum & disertum; in Consilio sanctiori, fidum & prudentem; in administrando Ærario habilem & incorruptum; in Vice Causis adjudicandis integrum & perspicacem experti sumus. Quod nobis pro Libertate & Religione, pro communi Europæ Incolumitate, pro Novennium militantibus Bello, Subsidia haud defecerint, id Senatui omni deberi gratè agnoscimus; sed nec intermissa est Viri egregii solertia, quâ cautum est, ne in summâ Nummorum Inopiâ, Fides Publica, Fama plus æquo debilitata consideret. Ejusdem quoque Felicitati saltem tribuendum, quod Ærario nostro eo Tempore præfuit, quo Monetam Sceleratorum fraude vitiatam & immutatam, Consilio non minus fuisse quam audaci (quod Sæculi Opus videbatur) ipsis Biennium recudi & redintegrari ad Admirationem vidimus, & ingruentibus Rei Pecuniaris angustiis, eo Auctore, novam & inusitatam inivimus Rationem, qua Chartæ Pretium arrogando, Divitias publicas ampliari curavimus. Ob hæc præstita Officia Populo sese charum præbuit; Ob hæc collata in Populum Beneficia nostram facile consequutus est gratiam, quæ igitur Animi propensione frequentibus subditorum Votis solemus respondere, eâ Alacritate hunc Proceres numero, adscribi volumus, quem Senatus communi*

suffragio, propter sua in nos, nostrosque, Merita, Regio Favore dignum pronunciavit, Scatia, &c.

In ENGLISH.

If it be accounted Honourable to be descended from a most ancient Family of Noblemen; if it be any Glory to grow illustrious by great Actions, proceeding from private and inherent Merit; our well belov'd, and very faithful Counsellor, CHARLES MONTAGUE, Esq; on both Accounts, recommends himself to our singular good Opinion and Esteem, who derives his Splendor from a House which at once very plentifully provides for the Ornament and Support of our Kingdom, in three Earls, and eight Members of Parliament: A Gentleman adorn'd with those Virtues, to which no good Citizen can envy any Increase of Honour, and which a just Prince cannot but freely offer. Nature has inform'd him with a Genius to manage Affairs of the highest Concern, and which, cultivated by Learning, and brought to Perfection by a continual Practice of speaking well, and the Exercise of transacting wisely, we have found him by Experience, to be strenuous and eloquent in the Parliament; in Council, faithful and prudent; in determining Causes relating to the Exchequer, unblamable and penetrating. We gratefully acknowledge our selves altogether indebted to the Parliament, for the Supplies we have receiv'd to carry on this nine Years War, in fighting for LIBERTY and RELIGION, and the common SAFETY of all EUROPE. But we must not pass over in Silence, the Sagacity

of

of this Excellent Gentleman, who took Care that in the greateſt Scarcity of Money, the publick Credit ſhould not ſink, by being over-burthen'd with exceſſive Intereſt. We muſt likewiſe reckon it a Happineſs, that he was at that Time Chancellor of our Exchequer, when, to our Admiration, we beheld the current Money, which was adulterated, and debas'd by the Fraud and Villainy of wicked Men, in the Space of two Years, (tho' accounted the Work of an Age) coin'd anew, and reſtor'd to its intrinſick Value. An Attempt as fortunate, as it was bold; and the Demands of Money increaſing upon us, by his Council and Advice, we enter'd upon a new and unuſual Method of eſtabliſhing a Paper-Credit, whereby we took Care to advance the Riches of the Nation. For theſe good Offices, he gain'd the Love and Eſteem of the People, and for the Benefit which they receiv'd by his Means, he has eaſily obtain'd ours. Wherefore, as we are always inclin'd to comply with the frequent Wiſhes of our good Subjects, we willingly, and with all Cheerfulneſs, call him to the Houſe of Peers, whom the Commons, by a publick Vote for his eminent Services, have pronounc'd deſerving of our Royal Favour.

Now know ye, &c.

Having acquainted the Reader, that Mr. *Prior* drew up the foregoing Patent after his wonted Felicity of expreſſing himſelf with a truly *Roman* Exactneſs, and omitted in its proper Place a very material Circumſtance relating to that Gentleman, I take the Liberty of inſerting it here.

As

Digitized by Google

As soon as Mr. *Montague* (now L. *Halifax*) was in Possession of his first Place at Court, which was that of one of the Clerks of the Council, (an Introduction to more substantial Preferment, and which, upon his Marriage with the Countess of *Manchester*, at the very Time as he came up to be examin'd for Holy Orders, which he intended to take, for the Sake of a Benefice in the Church, he purchas'd for 1500 *l.*) Mr. *Prior* took Occasion to put the Lord *Dorset* in Mind of himself by the following Letter address'd to Mr. (afterwards Sir) *Fleetwood Shepherd*, in the following Lines:

When crowding Folks, with strange ill Faces,
Were making Legs, and begging Places;
And some with Patents, some with Mexit,
Tir'd out my good Lord Dorset's *Spirit;*
Sneaking, I stood among the Crew,
Desiring much to speak with you:
I waited while the Clock struck thrice,
And Foot-man brought out fifty Lies;
'Till Patience vex'd, and Legs grown weary,
I thought it was in vain to tarry;
But did opine it might be better,
By Penny-Post to send a Letter.
Now, if you miss of this Epistle,
I'm baulk'd again, and may go Whistle.
My Business, Sir, you'll quickly guess,
Is to desire some little Place;
And fair Pretentions I have for't,
Much Need, and very small Desert:
When e'er I writ to you I wanted,
I always begg'd, you always granted.
Now, as you took me up when little,
Count me my Learning, and my Title,

Ask'd for me, from my Lord, Things fitting,
Kind as I'd been your own begetting;
Confirm what formerly you've given,
Nor leave me now at Six and Seven,
As Sunderland *has left* Mun Stephens.
No Family that takes a Whelp,
When first he laps, and scarce can yelp,
Neglects or turns him out of Gate,
When he's grown up to Dog's Estate:
Nor Parish, if they once adopt
The spurious Bearns that Strolers drop'd,
Leave 'em when grown up lusty Fellows,
To the wide World, that is, the Gallows:
No, thank 'em for their Love, that's worse
Than if they'd throttl'd 'em at Nurse.
My Uncle, rest his Soul, when living,
Might have contriv'd me Ways of thriving;
Taught me with Cyder to replenish
My Fats, or ebbing Tide of Rhenish.
So when for Hock, I drew prick'd White-Wine
Swear't had the Flavour, and was right Wine:
Or sent me with ten Pounds to Furni-
Val's-Inn, *to some good Rogue Attorney,*
Where now, by forging Deeds and cheating,
I'd had some handsome Ways of getting.
All this you made me quit, to follow
That sneaking Whey-fac'd God Apollo:
Sent me among a fidling Crew
Of Folks, I'd never seen nor knew,
Calliope, *and God knows who.*
To add no more Invectives to it,
You spoil'd the Youth, to make a Poet.
In common Justice, Sir, there's no Man
That makes th' Whore, but keeps the Woman:
Among all sorts of Christian People,
Whoe'er breaks Limbs, maintains the Cripple.

Digitized by Google

The Sum of all I have to ſay,
Is, that you'd put me in ſome Way,
And your Petitioner ſhall pray. ——
There's one Thing more I had almoſt ſlipt,
But that may do as well in Poſtſcript:
My Friend, Charles Montague's *prefer'd;*
Nor would I have it long obſerv'd,
That one MOUSE *eats, while t' other's* ſtarv'd.

Yet, notwithſtanding Mr. *Prior* apply'd himſelf elſewhere for Preferment, the very Gentleman whom he in the foregoing Verſes ſeem'd to complain of being diſtinguiſh'd, excluſive of himſelf, by an Office of Truſt, ſeem'd reſery'd to promote him, as he did by recommending him to the Earls of *Pembroke*, *Jerſey*, and Sir *Joſeph Williamſon*, his Majeſty's Embaſſadors Extraordinary for negociating the Peace at *Ryſwick*, as a fit Perſon to be their Secretary at the Conferences with the *French*; and alſo to the Earl of *Portland*, when he went in the ſame Character to the *French* Court. But of this by way of Digreſſion.

Some Time before he was made a Member of the Houſe of Peers, Mr. *Montague*, upon the Death of Sir *Robert Howard*, who had long enjoy'd the Auditorſhip of the Exchequer, by a Patent for Life, accepted of his Majeſty's Offer to him, to ſupply that Vacancy, and was ſucceeded in his Commiſſion of firſt Lord of the Treaſury, by *Sidney* Lord *Godolphin*. But the Commons, to whom he had render'd himſelf unpopular, by his Endeavour in their Houſe, to bring them into the King's Meaſures for keeping on Foot more ſtanding Forces, after the Concluſion of the Peace, than the ſtated Eſtabliſhment, and who look'd

Digitized by Google

upon him as an indifferent *English* man, but the Intereſt he made amongſt them for the Continuance of his Majeſty's *Dutch Blue Guards*, which had ever been near his Perſon from his Infancy, at the firſt Seſſion of Parliament, after his Creation, thought fit to examine into his laſt Conduct, and, if it was poſſible, to find a Flaw in it.

They had now before them the Papers relating to the Partition-Treaty, which, if it had been duly comply'd with, and executed, would have prevented all the vaſt Effuſion of Blood and Treaſure, that has been ſo plentifully pour'd out in the Proſecution of the late War with *France* and *Spain*. And becauſe the Words of this Treaty may be of uſe to explain the Neceſſity of it, and make appear the Reaſons thoſe that enter'd into it, and negociated it, had for ſo doing, I ſhall give the Subſtance of it as follows.

'I. It was agreed by the Parties concern'd 'therein, That the Peace of *Ryſwick* ſhould be 'confirm'd. II. That in Conſideration of the 'ill State of the King of *Spain*'s Health, and 'for preſerving the publick Peace, in Caſe the 'ſaid Prince ſhould die without Iſſue, the Kingdoms of *Naples* and *Sicily*, with the Places 'depending upon the *Spaniſh* Monarchy, ſituated on the Coaſts of *Tuſcany*, or the adjacent 'Iſlands, comprehended under the Name of '*Santo Stephano*, *Porto Hercole*, *Orbitello*, *Telamone*, '*Porto-longo*, *Piombino*, the Marquiſate of *Final*, 'the Province of *Guipoſcoa*, particularly the 'Towns of *Fontarabia*, and St. *Sebaſtian*, and eſpecially the *Port-Paſſage*, and likewiſe all Places on the *French* Side of the *Pyrenees*, or the

'other

other Mountains of *Navarre*, *Alava*, or *Biscay*, on the side of the Province of *Guipuscoa*, with all the Ships and Gallies, and other Appurtenances belonging to the said Galleys, should be given to the Dauphin, in Consideration of his Right. III. That the Crown of *Spain* and the other Kingdoms and Places, both within and without *Europe*, should descend to the Electoral Prince of *Bavaria*, of whom his Father, the Elector, was to be Guardian and Administrator, till he came of Age. And IV. That the Dutchy of *Milan* should be reserv'd, and allotted to Arch-Duke *Charles*, the Emperor's second Son, now Emperor of *Germany*." This Treaty was to be communicated to the Emperor and the Elector of *Bavaria*, by the King of *Great Britain* and the States-General; and if they did not agree to it, then the Proportion of the Party not agreeing, should remain in Sequestration 'till Things could be brought to an Accommodation. And in Case the Electoral Prince of *Bavaria* should come to inherit his Share, and yet die before his Father, without Issue, the Elector was to succeed him in those Dominions, and his Heir after him: Likewise the Dutchy of *Milan*, upon the Arch-Duke's Refusal to accept it, was to be sequester'd to, and govern'd by the Prince of *Vaudemont*; and after him, by his Son, Prince *Charles* of *Vaudemont*, and his Heir.

Now the chief Persons that were entrusted by his Majesty to transact this important Affair, were, *John* Lord *Somers*, Lord High Chancellor of *England*, *William* Earl of *Portland*, *Edward* Earl of *Orford*, *Edward* Earl of *Jersey*, *Charles* Lord *Halifax*, then Mr. *Montague*, and *James Vernon*, Esq; one of the principal Secretaries; but the

the Commons thought fit to animadvert only on the three first, and the Lord *Halifax*, exclusive of the Earl of *Jersey*, and Mr. *Vernon*, tho' equally concern'd in the Project, and not content with addessing the King against it, order'd these all four to be impeach'd of High Crimes and Misdemeanours at the Bar of the House of Lords. Moreover, in pursuance of other Resolutions, they made Application to the King in another Address presented by the whole House, to remove them from his Presence and Councils for ever; to which, his Majesty, who could not but be very uneasy at this severe Dealing with his Council and this Minister, when he knew the Error, if any, was a Mistake of Judgment only, and that rather of his own, than of any employ'd by him, with a serene and undisturb'd Temper, thus artfully reply'd;

I am willing to take all Occasions of thanking you very heartily for the Assurances you have frequently given me, and now repeat, of standing by all, and supporting me against all our Enemies, both at Home and Abroad; towards which, nothing, in my Opinion, can contribute so much as a good Correspondence between me and my People. And therefore you may depend upon it, that I will employ none in my Service, but such as shall be thought most likely to improve that mutual Trust and Confidence between us, which is so necessary in this Conjuncture, both for our own Security, and the Defence and Preservation of our Allies.

But the House of Lords, who were alarm'd at this Address from the Commons, apprehended it to be an ill Precedent for Persons to be censur'd before they were try'd, and therefore interpos'd with a counter Address, which was very acceptable to the King, in Favour of the four noble Persons

Parſons above-mention'd. What gave Being to theſe violent Proceedings in the Lower Houſe of Parliament, was the Death of the King of *Spain*, whom the *French* had under-hand exaſperated against the Treaty of Partition which they themſelves had made, and the Will which he left behind him in Favour of *Philip* Duke of *Anjou*, to whom he bequeath'd all his Dominions in *Spain* and the *Indies*. Which indeed was of dangerous Conſequence, and the more to be dreaded, becauſe the moſt Chriſtian King had, by his Acceptance of the ſaid Will, broke thro' the Terms of the Treaty. The Commons therefore, inſtead of addreſſing his *Britannick* Majeſty to expoſtulate with the Monarch of *France*, for his Breach of Publick Faith which, notwithſtanding the Death of the Electoral Prince of *Bavaria*, before the King of *Spain*'s Demiſe, he was moſt undoubtedly guilty of, laid the Odium of the whole Procedure at the King's own Door, tho' ſomewhat obliquely, by accuſing his moſt faithful Miniſters, amongſt whom, they, in a particular Manner, ſingled out the Lord *Halifax*, by drawing up Articles againſt him, and ſending them up to the Houſe of Peers by the Honourable *James Brydges*, Eſq; now Earl of *Carnarvan*.

Herein it was obſervable, that tho' their Debates in the Houſe againſt him, ſeem'd to turn on his being made privy to, and adviſing the King to ſign the Partition-Treaty, they thought fit not to mention the Share he had in it, but very lightly, and to inſiſt upon what had occaſion'd a Vote in a former Parliament, wherein he was ſaid *to be deſerving of his Majeſty's Favour*. The Articles were ſix, and ran thus, with his Lordſhip's Anſwers.

I. That

I. That whereas it was the continu'd Sense of the Commons of *England*, that it was highly reasonable that the forfeited Estates of Rebels and Traytors in *Ireland*, should be apply'd in Ease of his Majesty's faithful Subjects of the Kingdom of *England*, the said Lord *Halifax* presum'd to advise, pass, or direct the passing a Grant to *Thomas Railton*, Esq; in Trust for himself, several Debts, Interests, &c. amounting to 13000 *l.* or thereabouts, accruing to his Majesty from Attainders, Outlawries, or other Forfeitures in *Ireland*. To which he answer'd, *That he did accept the said Grant, as it was lawful for him to do, without Breach of his Duty, and the Trust repos'd in him: Which Grant had since been taken away by Act of Parliament, and he had not made clear thereof as then, above* 400 *l.*

II. That he had not repay'd into the Receipt of his Majesty's Exchequer in *Ireland*, the Sum of 1000 *l.* which he had actually receiv'd to his own Use, out of the Profits of the aforemention'd Grant, which he ought to have so repay'd by Virtue of the *Act for granting an Aid to his Majesty by Sale of the forfeited Estates in Ireland*. To which he answer'd, *That he gave Direction after the said Act pass'd, to his Agent in Ireland, to do, in Relation to the Money receiv'd, as should be advis'd by Council there; by whom his Agents were advis'd, that the said Moneys being receiv'd out of the mean Profits, which were remitted by that Act, were not within the first mention'd Clause of the said Act.*

III. That in the Time of a tedious and expensive War, he did advise, procure, and assent, not only to the passing of diverse Grants to others, but did obtain and accept of several beneficial ones

ment for himself, which Practices were a most notorious Abuse of his Majesty's Goodness, &c. To which he answer'd, *That he serv'd his Majesty faithfully in his Stations, and his Majesty graciously accepted of his Service; and, as a Mark of his Royal Favour, did make, for his Benefit, such Grants as were mention'd in the Precedent and Subsequent Articles, and none other. And as to other Persons, he, only in Conjunction with the other Commissioners, did sign General Warrants and Dockets for such Grants as his Majesty was pleas'd to direct.*

LVII. Whereas, by common Law, and other Statutes, the King's Forests should be preserv'd, the said Lord *Halifax* not regarding the Laws and Ordinances of this Realm, nor his Duty to his Majesty, and the Publick, had procur'd a Grant to *Henry Seager*, Gent. in Trust for himself, of the Sum of 14000 l. of scrubbed Beech, Birch, Holly, and many Tuns of well-grown Timber, had been cut and fallen, and sold and dispos'd for his Benefit. To which he answer'd, *That his Majesty, out of his Grace and Favour, did grant in Trust for him the Sum of* 2000 l. per Ann. *to be rais'd by the Fall of scrub Beech, Birch, &c. for the Space of seven Years; which Grant was not extended to any Timber growing in the said Forest. And if any Abuse were in cutting the Wood, he conceives he is not answerable for the same, it being done by the Direction of his Majesty's Surveyor General, and other his Majesty's Officers.*

LVIII. That he the said Lord *Halifax* did grant, or procure to be granted, to his Brother *Christopher Montague*, Esq; the Place and Office of Auditor of the Receipts, and Writer of the Tallies, in Trust, to himself; so that he the said Lord was in Effect, one of the Commissioners of the

Treasury, Chancellor of the Exchequer, and Auditor of the Receipts, and Writer of the Tallies, and enjoy'd the Profits of the said several Offices, which were manifestly inconsistent, and ought to have been a *Check* to each other. — To which he answer'd, *That the Grant of the said Office was done at his Desire and Request, because he intended in a short Time after, to leave his own Employment and Places in the Treasury, and to obtain a Surrender from his said Brother of the said Office, and procure a Grant thereof to himself; which had been since done, and he conceiv'd was lawful for him to do.*

VI. That the said Lord *Halifax*, well knowing the most apparent evil Consequences, as well as the Injustice of the Partition of the *Spanish* Monarchy, did yet advise his Majesty to enter into a Treaty for it, and did encourage and promote the same. — To which he answer'd, *That he never did advise his Majesty to enter into, or make the said Treaty, or was ever consulted upon any Clause or Article thereof: But when the said Matter was discours'd at* Tunbridge-Wells, *he made several Objections to the same.*

Such were the Articles, and such his Lordship's Replies: The Result of which, was, that after several Conferences between the upper and lower Houses of Parliament, the Peers having consider'd the Premises, and appointed Days of Tryal, for the Conviction or Discharge of their impeach'd Members, at which the Commons did not appear to make their Accusations good, dismiss'd the Impeachments; so that his Lordship continu'd establish'd in his Majesty's Favour 'till the Day of that Prince's Death, which fell out on the 8th of *March*, 170½, when her late Majesty

Majesty Queen ANNE, to whom the Malice of his Enemies had render'd him obnoxious, ascended the Throne; and to whom, notwithstanding his suppos'd Aversion to the Measures some Persons about her had taken, he paid the First Compliments of Condolence and Congratulation, that were made her, by taking Coach from *Kensington* to *St. James's* Palace, as soon as the Breath was out of the deceas'd King's Body.

This gave Occasion to the adverse Party to reflect upon him as a Time-server and Sycophant, when no one had a greater Abhorrence of such a servile and abject Behaviour, than himself; and one of their Writers, in a Poem of his call'd *The Golden-Age*, on the Queen's Accession to the Throne, bespatter'd him after this Manner:

Dissembling States-Men *shall before thee stand,*
And Halifax *be first shall kiss thy Hand.*

Tho' her Majesty had much better Thoughts of him, and continu'd him in her Privy-Council, notwithstanding Advice to the contrary from a Lady or two (that shall be nameless) about her, for some Time, 'till being over-perswaded by Sir *Edward Seymour*, the Comptroller, and other great Officers of her Houshold, she caus'd him to be struck out of the List, a While afterwards.

The Parliament was then sitting, at the Demise of King *William*, to the Vindication of whose Memory, that began to be set at nought by such as made their Court to his Successor, his Lordship not a little contributed, by making Complaint in the House of Peers, of a Report industriously spread about by them, of some

Papers found in that Prince's strong Box, whereby it appear'd, that he had form'd a Design of advancing the Elector of *Hanover* to the Crown, to the Exclusion of Queen ANNE: That, to effect this the Troops of *Hanover* and *Cell* were to file off towards the Sea-Coast of *Holland*: That soon after the King's Return, a sham Insurrection was to be excited in *Scotland* or *Ireland*, to give the King a colourable Pretence to send over for the *Hanoverian* Auxiliaries, with their Prince to command them: And that several Peers, privy to this Design, were to be made Lord-Lieutenants of Counties, in order to influence the Elections of Members for a new Parliament; who being thus pack'd up, would easily concur with any Thing the King should propose. This Complaint gave being to the following Resolution. 'The House being inform'd, that 'there hath been a Report spread Abroad, that 'amongst the late King's Papers, some Papers 'had been found tending to the Prejudice of 'her present Majesty, or her Succession to the 'Crown; and the Lord President, the Lord 'Steward, the Lord Chamberlain, the Earl of '*Marlborough*, and the Earl of *Albemarle*, who 'were the Persons appointed by her Majesty 'to inspect the said Papers, having at the De'sire of the House, severally declar'd, that 'amongst the late King's Papers, they did not see 'or find any Paper in the least tending to the 'Prejudice of her Majesty, or her Succession to 'the Crown, or to her Prejudice in any Respect 'whatsoever, or which might give any Ground 'or Colour for such Report. It is thereupon re'solv'd by the Lord's Spiritual and Temporal 'in Parliament assembled, that the said Report

'is

'is groundless, false, villainous, and scandalous, to the Dishonour of the late King's Memory, and highly tending to the Disservice of her present Majesty.

'It is ordered by the Lords Spiritual and Temporal in Parliament assembled, that the Matter of Fact aforesaid, and the Resolution of this House thereupon, be laid before her Majesty by his Grace the Duke of *Boulton*, the Earl Marshal, the Earl of *Radnor*, the Earl of *Stamford*, the Earl of *Scarborough*, and the Lord *Ferrers*; and that they do humbly desire her Majesty, from this House, that her Majesty will give Order to Mr. Attorney-General to prosecute with the utmost Severity of Law, the Authors or Publishers of the above-mention'd such-like scandalous Reports.

Hereupon her Majesty told them, *That she was very ready to do any Thing of that Kind, and would give Directions accordingly.* Which she did by the Prosecution of Dr. *Drake*, for some Insertions of that Nature by him written in a printed Book entitled, *The History of the last Parliament, begun at* Westminster *on the* 10th *of* February, *in the* 12th *Year of King* William; tho', for want of sufficient Evidence, that Author was afterwards acquitted on his Tryal at the Queen's-Bench Bar in *Guild-Hall*.

A new Parliament was now summon'd, which being met on the second of *October* 1702, the Commons still remembering their old Grudge against the Lord *Halifax*, who oppos'd several of their favourite Bills in the House of Peers, with all his Interest, upon a Report from the Commissioners of Accompts given in by *Henry* St. *John*, Esq; (now Lord Viscount *Bolingbroke*)

came

cause to the following Resolutions: 1. That *Charles* Lord *Halifax*, Auditor of the Receipt of the Exchequer, had neglected his Duty, and was guilty of a Breach of Trust, in not transmitting the Imprest Rolls half-yearly to the King's Remembrancer, according to the Act made in the Session of Parliament in the eighth and ninth Years of his late Majesty's Reign, entitled, *An Act for the better Observation of the Course anciently us'd in the Receipt of the Exchequer.* 2. That the allowing Accomptants the Charges of Law-Suits, to determine the Right of their Offices, was a Misapplication of the publick Money. 3. That the Auditors of the Imprest had been guilty of a great Neglect of their Duty, in not certifying the King's Remembrancer, the Neglect of the several Annual Accomptants, that Process might go against them. And, 4. That it appear'd to the House, that there had been a general Mismanagement of the publick Money, by not obliging Accomptants to make up their Accompts, and by continuing Receivers in several Counties, contrary to Law, who had neglected to make up their Accompts in due Time, which had been a great Abuse of the Publick, and another Cause of the great Debt that lay upon the Nation: And on the Day following, having proceeded in the farther Consideration of the said Observations, resolv'd, 1. *That the Money Imprest out of the Exchequer, for the Service of the Publick, ought to be kept by the respective Officers in their own Custody, until the same should be paid to the Uses for which it was directed.* 2. *That* Charles *Lord* Halifax, *Auditor of the Receipt of the Exchequer, had been guilty of*

a Breach of Trust, in not examining every three Months, the Teller's Vouchers for the Payments upon the Annuities, which he allow'd in his weekly Certificates, according to the fore-mention'd Act of Parliament. 3. That the Resolutions relating to the Lord Halifax, *should be laid before her Majesty. And, 4. That an Address should be presented to her Majesty, that she would be pleas'd to give Directions to the Attorney General, to prosecute that Lord for his said Offences.* It is to be observ'd, they did not think fit to trust to more Impeachments, and therefore refer'd his Lordship to the ordinary Courts of Justice, in which the Cause never came to a Hearing: For the Lords, before whom Mr. *King*, Secretary to the Commissioners of Accompts, and Mr. *Barker*, Deputy Remembrancer to the Queen, had laid their respective Accompts and imprest Rolls, appointed a Committee, whereof the Duke of *Somerset* was Chairman, before whom the Lord *Halifax* was heard, that made their Report after this manner, *viz.* 'The Committee appointed to consider of the Observations in the Book of Accompts, deliver'd in to this House the 'xth of *January* last, have made some Progress in considering the said Observations, and humbly take Leave to acquaint the House, that 'they have examin'd into the first of those Observations, as also the first Observation deliver'd in to this House the second Instant, relating to the transmitting the ordinary imprest Rolls to the Queen's Remembrancer. They 'also examin'd divers Officers of the Exchequer, 'and others, upon Oath; and do find, that by 'the ancient and uninterrupted Course of the 'Exchequer, two imprest Rolls are to be made

'out

' out for each Year, the one comprehending all
' Sums impreſt from the End of *Trinity* Term,
' to the End of *Hillary* Term; the other con-
' taining all ſuch Sums from that Time, to the
' End of *Trinity* Term; which Rolls are call'd
' *Half-yearly Rolls*, tho' improperly. They
' find, by the ancient Courſe of the Exche-
' quer, theſe impreſt Rolls, being made out by
' the Auditor of the Receipt, are by him to be
' deliver'd to the Clerk of the *Pells*, whoſe Duty
' it is to examine, and ſign them; and this be-
' ing done, the Clerk of the *Pells* delivers them
' to the Remembrancer.

' This Uſage was, by degrees, diſcontinu'd in
' the Reign of King *Charles* II, and the Remem-
' brancer, or his Agent, us'd to come to the Office
' of the Auditor of the Receipt, and take away
' the impreſt Rolls from thence immediately.
' But in the Time when the Earl of *Rochester* was
' Treaſurer, the ancient Uſage was reſtor'd, and
' he did order, that the impreſt Rolls ſhould be
' carefully examin'd and ſign'd by the Clerk of
' the *Pells*, before they ſhould be tranſmitted to
' the Remembrancer; and accordingly, ſince
' that Time, the ancient Cuſtom has been ob-
' ſerv'd, as well before, as ſince the Act of Par-
' liament made in the eighth and ninth Years
' of his late Majeſty, *for the better Obſervation of*
' *the Courſe us'd in the Receipt of the Exchequer*,
' (that is to ſay) The ſaid half-yearly Rolls,
' when made out, and ſign'd by the Auditor,
' have been by him tranſmitted to the Clerk of
' the *Pells*; and when the Clerk of the *Pells* has
' examin'd and ſign'd them, he, or his Deputy,
' has deliver'd them to the Remembrancer; and
' this appears by the Remembrancer's Indorſe-

' ment

Digitized by Google

'ment upon the Rolls. The Committee finds, 'that *Charles* Lord *Halifax* has been Auditor of 'the Receipt, from the End of *November* 1699, 'since which Time, six impreſt Rolls have been 'tranſmitted to the Remembrancer, and there 'is a ſeventh Roll now under the Examination 'of the Office of the *Pells*; and no other Roll can 'be prepar'd till after the twelfth of this Inſtant, '*February*.

'Upon the whole Matter, the Committee are 'humbly of Opinion, that *Charles* Lord *Halifax*, 'Auditor of the Receipt of Exchequer, hath 'perform'd the Duty of his Office, in tranſmit-'ting the ordinary impreſt Rolls to the Queen's 'Remembrancer, according to the ancient Cuſtom 'of the Exchequer, and the Direction of the Act 'VIII and IX *Gulielmi* III *Regis*, intitled, *An 'Act for the better Obſervation of the Courſe anciently us'd in the Receipt of the Exchequer*, and that he 'hath not been guilty of any Neglect or Breach 'of Truſt upon that Account.

Which Report being read, as alſo the Examinations taken upon Oath by the Committee, and the Dates and Indorſements of the ſeveral impreſt Rolls deliver'd by Mr. *Barker*, Deputy to the Queen's Remembrancer, it was propos'd to agree with the Opinion of the Committee; which being reſolv'd in the Affirmative, it was declar'd by the Lords Spiritual and Temporal in Parliament aſſembled, *That* Charles *Lord* Halifax, *Auditor of the Receipt of the Exchequer, hath perform'd the Duty of his Office, in tranſmitting the ordinary impreſt Rolls to the Queen's Remembrancer, according to the ancient Cuſtom of the Exchequer, and the Direction of the Act*, VIII *and* IX Gulielmi III Regis, *entitled*, An Act for the better Obſerva-

C

tion of the Course anciently us'd in the Receipt of the Exchequer; *and that he hath not been guilty of any Neglect, or Breach of Trust upon that Account.*

This solemn and honourable Acquittal of his Lordship, reliſh'd but ill with the Commons, who order'd their Committee to search the Journals of the House of Lords, and report their Lordships Proceedings in Relation to the Observations of the Commissioners of Accompts; which being done, they order'd them to draw up what was proper to be offer'd to the Lords at a Conference, in the following Form. 'The Commons find in 'your Lordships Journals, a Resolution declaring, *That* Charles *Lord* Halifax, *Auditor of the Exchequer hath perform'd the Duty of his Office*, &c. which looks to them, as if your 'Lordships pretended to give Judgment of Acquittal, without any Accusation brought before your Lordships, and consequently, without 'any Tryal. And that which makes your Lordships Proceedings yet more irregular, it tends 'to pre-judging a Cause which might regularly 'have come before you, either originally by 'Impeachment, or by Writ of Error from the 'Courts below. And therefore the Commons 'can see no Use of this Resolution, unless it 'be either to intimidate the Judges, or pre-poſſess the Jury.

'But if your Lordships could have judg'd in 'this Matter, it does not appear by your Lordships Journals, that you have had under Examination, the respective Times of transmitting the several imprest Rolls to the Queen's Remembrancer; without which, it is impossible to know whether the Auditor of the Receipt

Digitized by Google

ſ ceipt has done his Duty according to the late Act of Parliament.

The Lords, not a little provok'd at the Reaſons of the Commons, came to the following Reſolutions, 1. *That the Lords have an undoubted Right (which they can never ſuffer to be conteſted) to take Cognizance originally of all publick Accompts, and to enquire into any Miſapplication or Default in the Diſtribution of publick Moneys, or into any other Miſmanagment whatſoever.* 2. *That the Lords, in their Enquiry into the Examination of the Obſervations of the Commiſſioners of Accompts, in Relation to* Charles *Lord* Halifax, *and in their Reſolutions thereupon, had proceeded according to the Rules of Juſtice, and the Evidence that was before them.* *And*, 3*dly*. *That the Commons, in their Reaſons, had us'd ſeveral Expreſſions and Arguments highly reflecting and altogether Unparliamentary, tending to deſtroy all good Correſpondence between the two Houſes, and to the Subverſion of the Conſtitution.*

Hereupon the Commons reſolv'd, 1. That no Cognizance the Lords could take of the publick Accompts, could enable them to ſupply any Defficiency, or to apply any Surpluſſage of the publick Money. 2. That the Lords could neither acquit or condemn any Perſon whatſoever, upon any Enquiry ariſing originally in their own Houſe. 3. That the Attempts the Lords had made to acquit *Charles* Lord *Halifax*, Auditor of the Receipt of the Exchequer, was unparliamentary, and not warranted by any Precedent; and the Reſolution thereupon, was plainly contrary to what appear'd on the Records themſelves. 4. That the Conference deſir'd with the Lords, was in order to preſerve a good Correſpondence between both Houſes,

by offering Reasons to prevent the Lords from proceeding in a Case which they had no Precedent to warrant. And the Commons expressing the Consequences they apprehended might follow from that Resolution, was neither reflecting nor unparliamentary, or tending to destroy the good Correspondence between the two Houses, and much less to the Subversion of the Constitution. And, thirdly, That the Lords delivering at a Conference their *Resolutions*, instead of Reasons, in Answer to the Reasons of the Commons, was not agreeable to the ancient Rules and Methods of Parliament observ'd in Conferences between the two Houses.

What remain'd for the Commons, who were embitter'd against his Lordship, after this, to do, was to desire another free Conference with the Peers, upon the subject Matter of their last; who readily agreed to it, and appointed the Lord *Halifax* himself to be one of the Managers, in Conjunction with the Duke of *Devon*, the Earl of *Carlisle*, and the Lords *Herbert* and *Ferrers*. The Managers for the Commons, at the Head of whom was the eloquent Mr. *Finch*, (now Earl of *Aylesford*) open'd the Particulars, which they had Directions to insist on; adding, 'That 'when they acquainted their Lordships, that the 'expressing the Consequences which they appre-'hended might follow from their Lordships Reso-'lution, it was not a Charge upon their Lordships, 'that they intended that Consequence; but they 'would have been very glad their Lordships 'would have been pleas'd to let them know 'what Use was to be made of it, or what they 'intended by it. And concluded, that if their

Lordships

Lordſhips did controvert any of thoſe Points, they were ready to maintain them.

But the Lords made no Anſwer to any of thoſe Particulars, ſaving to the Matter of the Reſolution relating to the Lord *Halifax*; upon which they acknowledg'd, 'That they were no Court of Enquiry, to form any Accuſation; that their Proceeding in relation to that Lord, was no Tryal; nor was their Reſolution any Judgment or Acquittal, but that he might ſtill be proſecuted as before: But that which gave Occaſion to that Proceeding, was, the Reſolution of the Houſe of Commons, which they found in the printed Votes, reflecting upon a Member of their Houſe; and thereupon they thought fit to give their Opinion; which they did in the Legiſlative Authority.

To this, the Managers for the Commons reply'd, 'That their Lordſhips having, in their Reſolutions, declar'd, That they had proceeded according to Rules of Juſtice; and the Evidence that was before them, the Commons could put no other Interpretation upon it, than that it was intended as a Judgment; and no Judgment could be made, where there was no Accuſation; and if it was not a Judgment, they could not imagine what it did tend to. As to their Lordſhips delivering their Opinion, That it was againſt the Rules of any Court, that any Judge whatſoever ſhould deliver a Opinion in a Cauſe that might come before him; and that that Matter might hereafter come judicially before their Lordſhips. They ſaid, That there was a great Difference between the Reſolution of the Commons, and the Vote of the Lords: That the Reſolution of the Houſe of Commons, was

but

'but in order to a Profecution, which they could
'never vote, without declaring the Crime;
'and they could never come to be Judges of it:
'That the Houſe of Commons was the grand
'Inqueſt of the Nation; and every grand Jury
'that found *Bills vera* upon an Indictment,
'did by that declare the Man guilty. But
'that the Lords had a judicial Capacity, and
'their Reſolution before that Accuſation brought,
'was pre-judging the Cauſe that might come
'regularly before them. As to the Obſerva-
'tion the Commons made, that the Lords had
'not examin'd the reſpective Times of tranſ-
'mitting the impreſt Rolls to the Queen's Re-
'membrancer, the Commons Managers ſaid,
'That as their Lordſhips Reſolutions was no
'Judgment, ſo that Conference was no Tryal.
'But to ſhew the Miſtake of their Lordſhips
'Reſolution, they obſerv'd the Date upon the
'ſeveral impreſt Rolls that had been tranſ-
'mitted to the Remembrancer; and that they
'apprehended there were ſtill two wanting.
'That the three laſt that were tranſmitted, came
'not to the Remembrancer 'till *January* laſt,
'the two firſt on the twenty third, the laſt on
'the twenty ſeventh; and that the firſt of thoſe
'impreſt Rolls was Money impreſt to the twenty
'firſt of *February* 1700, and ſaid to be in the
'firſt Year of Queen ANNE; which ſhew'd,
'that that Roll was ſo far from being examin'd,
'or tranſmitted in Time, that it was not made
'up 'till ſince her Majeſty came to the Crown:
'That as the Cuſtom formerly had been to ſet
'down the Time of the Examination of thoſe
'Rolls, ſince Mr. *Charles Montague* came to be
'Auditor, he ſet down the Month, but not the
Day.

Digitized by Google

'Day. And since the Lord *Halifax* was Auditor, 'he had set down neither Month nor Day: And 'that by his Example, on the three last impreſt 'Rolls, the Clerk of the Pells had put down no 'Time at all.

The Lord *Halifax*, in his own Defence, made Anſwer, 'That the Lords Reſolution was well 'founded, ſince they had the Rolls themſelves 'before them, and Proof upon Oath: That by 'the Words of the Act, the Auditor was to 'tranſmit the impreſt Rolls to the Remembran-'cer *Half-Yearly*, according to the uſual Courſe 'of the Exchequer, within eight Months and 'four Months: That it was not his Duty to 'tranſmit them immediately to the Remem-'brancer, becauſe he was to ſend them to the 'Clerk of the Pells, who was to examine and 'ſign them. That it could not be imagin'd the 'Auditor ſhould be ty'd to a certain Time to 'tranſmit the Roll to the Remembrancer, be-'cauſe they were firſt to paſs through another 'Hand: And he never took it, that there was 'any Occaſion to put down the Time he ex-'amin'd them, for that would appear from the 'Time of the Delivery, and Date of the Roll. 'That there was one examin'd by the Clerk of 'the Rolls, the fourth of *July*, and not deliver'd 'till the twenty third of *January*, which he did 'not take to be the Auditor's Fault, but to be 'the Duty of the Clerk of the Pells to deliver 'them. That every Body knew the great 'Trouble that had been given in his, as well 'as other Offices, by the Commiſſioners of Ac-'compts; and that no Loſs had happen'd by 'not tranſmitting thoſe Rolls, no Proceſs having 'been iſſu'd forth for many Years upon them.

Here-

Hereupon the Managers for the House of Commons said, 'That tho' *Half-Yearly* should 'be taken for eight Months, and four Months, 'yet by that they ought to be transmitted twice 'in the Year, and so he had fail'd in his Duty in 'that Respect. That to construe the ancient 'Course of the Exchequer in the Act of Parlia-'ment, to be meant, that the Clerk of the Pells 'should transmit the Rolls, was a direct Contra-'diction to the Act, which said the Auditor 'should do it. That the ancient Course of the 'Exchequer having not been observ'd, was the 'Occasion of making that Law; and that they 'thought Laws were to be observ'd. That in-'deed no Process could issue 'till the Rolls were 'transmitted, and possibly that might be the 'Ground whereby the Accompts had been so 'long unpass'd, to the Prejudice of the Publick. 'And that his Lordship's Apprehension that 'there was no Loss to the Publick, by not trans-'mitting the Rolls, might probably be the 'Reason of his Lordship's neglecting his Duty." And here the free Conference broke up.

Yet, notwithstanding the Lords, in the fore-going Conferences, did not disallow of the Prose-cution of the Lord *Halifax*, such an Influence had their Argument on the People without Doors, that the Generality of the People were against it; whereupon the Attorney-General receiv'd Orders from the Queen and Council, to drop the Pursuit of it.

In the same Year, the famous Bill to prevent Occasional-Conformity, after passing the House of Commons, was brought into that of the Peers, which it likewise went through, with several A-mendments made to it by the Lord *Halifax*, who

Digitized by Google

who being juſtly apprehenſive that the Commons would not concur with the Lords therein; but, as they had done on other Occaſions, tack their Bill to ſome Money Bill, obtain'd a Vote, *That the annexing any Clauſe to a Money Bill, was contrary to the Conſtitution of the* Engliſh *Government, and the Uſage of Parliament.*

And after this, at a Conference with a ſelect Number of the Commons, wherein he was a Manager on the part of the Lords, ſpoke in Favour of thoſe Amendments; and in Anſwer to Mr. *Bromley*'s Objections, ſaid, 'That by the 'Lords agreeing ſo far as they had done to that 'Bill, they had gone a great way for preven-'ting the Evil the Bill was intended to reme-'dy, and own'd it to be a Scandal to Religion, 'that Perſons ſhould conform only for a Place. 'That they did not think, going to a Meeting to 'be *Malum in ſe*, for that the Diſſenters were 'Proteſtants, and differ'd from the Church of '*England* only in ſome little Forms; and therefore 'the Lords thought Loſs of Office a ſufficient Pu-'niſhment, without an Incapacity. That it could 'never be thought thoſe of the better Sort would 'be guilty of that Offence; if they were, they 'ſhould loſe their Offices. That in inferior Of-'ficers of the Cuſtoms and Exciſe, who had lit-'tle elſe to ſubſiſt on, Loſs of Office was ſevere 'enough, ſince thereby they would be undone; 'and that it was more conſiderable in Patent-'Places, which, by a common Cuſtom, were 'bought and ſold, and were of the Nature of 'Free-holds. That Incapacity was too great a 'Penalty, and that it was hard to imagine any 'Offence, that was not capital, could deſerve 'it. That there was no more Reaſon to puniſh

Digitized by Google

'that Offence with Incapacity, than to make it
'Felony. That the Diſſenters were not ob-
'noxious to the Government as when the Corpo-
'ration Act was made, the moſt conſiderable a-
'mongſt them, being well affected to the Con-
'ſtitution then in Being, and hearty Enemies to
'the Queen's and Kingdom's Enemies. That
'the Toleration had had ſuch viſible and good
'Effects, had contributed ſo much to the Securi-
'ty and Reputation of the Church of *England*,
'and produc'd ſo good a Temper amongſt the
'Diſſenters, that the Lords were unwilling to
'give the leaſt Diſcredit to that Act; being ſen-
'ſible that Liberty of Conſcience and gentle
'Meaſures were moſt proper, and had been found
'moſt effectual toward increaſing the Church,
'and diminiſhing the Number of the Diſſenters.
'That the Lords apprehended ſome Parts of the
'Bill by them amended, to have an Air of Seve-
'rity, improper for the Seaſon, when they
'were burthen'd with a heavy and expenſive
'War. And that, tho' there might be ſome
'Things to be found Fault with, yet a proper
'Time ought to be taken to apply Remedies,
'the attempting too haſty Cures having often
'prov'd fatal: That their Lordſhips could not
'conceive, as was alledg'd by the *Commons*,
'the Intereſt of the Church and State were not
'to be ſupported without that Bill; ſince, in
'Caſe of ſuch Danger and Neceſſity, that Re-
'medy muſt have been propos'd to them, by
'ſome of thoſe worthy Members of the Church
'of *England*, who, in ſo many Parliaments ſince
'the *Toleration*, had ſhewn ſo much Zeal for the
'National Church and Government. That the
'Lords thought they had ſufficiently ſhewn

'their

Digitized by Google

'their Diſlike to the Practice of *Occaſional Conformity*, on which they inflicted no leſs a Puniſhment than Loſs of Place; and had conſented 'likewiſe to a reaſonable Fine to be laid on thoſe 'who ſhould be prov'd guilty of that Crime. 'That they could not but conceive, that if this 'Bill did enact nothing *New*, there would not be 'ſuch a Conteſt about it; and that it was plain, 'tho' *Occaſional Conformity*, ought always to have 'been eſteem'd a Crime, yet that the Practice 'was *New*, and the Puniſhment, provided by 'that Law *New* likewiſe. That the Lords did 'conſent to a Puniſhment, but would proportion 'the Penalty to the Offence. That the Commons gave that Argument, when they propos'd for new invented Crimes new invented 'Puniſhments. That the Lords could not think 'the *Diſſenters*, who at leaſt differ'd in no eſſential Point, were properly to be call'd *Schiſmaticks*. That ſuch an Opinion, if once allow'd, would bring a heavy Charge upon the 'Church of *England*, who, by a Law, had tolerated ſuch a *Schiſm*. That Connivance had 'been us'd to *Schiſmaticks*. That publick Allowance was never given to ſuch; and the Churchmen having allow'd Communion with the Reform'd Churches abroad, profeſſing *Calviniſm*, 'it muſt follow, they held them not guilty of 'Schiſm, or could not allow Communion with 'them. That the Bill inflicted a ſecond Puniſhment on thoſe who fled from *France* for their 'Religion: That they ſought a very improper 'Refuge amongſt thoſe that muſt think them 'guilty of *Schiſm*, and uſe them accordingly: 'That it might be us'd as an Argument even 'to juſtify the Perſecution in *France*, ſince the

Digitized by Google

'*Roman Catholicks* might with Reaſon baniſh 'thoſe, whom even Proteſtants could hardly 'endure amongſt them, and for whoſe Doctrine 'and Practice they ſhew'd ſuch an Averſion, 'that a Man muſt forfeit his Place, and under-'go a hard Penalty, but for entring once into 'their Congregations. That the Lords were of 'Opinion, the *Diſſenters* ſhould have Liberty of 'Conſcience, and agreed to the further Meaſures 'propos'd by the Commons, to allow neither '*Diſſenters* nor *Occaſional Conformiſts* any Share in 'the Government; but they took it to be a great 'Security for the eſtabliſh'd Religion, that all 'who ſate in the Houſe of Commons were to be '*Church-men*; and the Difference between a '*Church-man* choſen by *Church-men*, and choſen 'by *Diſſenters*, was only this; that the former 'would be for uſing *ſeverer*, the other *gentler* '*Means* for bringing the *Diſſenters* into the Church. 'That their Lordſhips conceiv'd the *Act of To-'leration* had viſibly prov'd to the Advantage of 'the Church; that even the Practice of *Occaſional* '*Conformity* in a few, as it had done great Pre-'judice to the *Diſſenters*, ſo had it added to the 'Reputation and Authority of the Church; the '*Diſſenters* having determin'd the Point againſt 'themſelves by that Practice; for if they could 'not conform for a Place, much more ought 'they to do ſo, in Compliance with the Law, 'and for the ſake of Unity. That the Lords 'were of Opinion, the *Diſſenters* were coming 'into the Church, and that nothing but terri-'fying Meaſures and Severities, could prevent 'that happy Union.

To

Digitized by Google

To which the ſaid Lord HALIFAX added:

GENTLEMEN,

THE main Deſign of this Bill, is to ſecure the Church of England; *and in this the Lords do perfectly agree with you; both Sides of the Houſe join in it with equal Zeal; and the main Point being the excluding of all Perſons from Employments of Truſt, who join themſelves to any other Bodies for religious Worſhip, beſides the Church of* England, *the Lords do agree intirely with you likewiſe in this. All the Difference is what further Penalties ſhall be laid, beſides the Forfeiture of the Employment, on Perſons ſo offending. The Lords look on the fixing of Qualifications for Places of Truſt, to be a Thing ſo intirely lodg'd with the Legiſlature, that without giving any Reaſon for it, upon any Apprehenſion of Danger, how remote ſo ever, every Government may put ſuch Rules, Reſtraints, or Conditions, on all who ſerve in any Place of Truſt, as they ſhall ſee Cauſe for; but Penalties and Puniſhments are of another Nature.*

Draco's *Laws, by Reaſon of their extream Severity, are ſaid to have been writ in Blood: If Petty-Larceny were made capital here, it would be juſt Occaſion for Cenſure. There ought to be a Proportion objected between the Offence and the Puniſhment; and Offences of a lower Nature, ought not to be puniſh'd more ſeverely than Offences of a higher.*

Popery has been ever look'd on as that which we ought to apprehend and fear the moſt, and guard chiefly againſt it, being our moſt inveterate, moſt reſtleſs,

Digitized by Google

reſtleſs, and moſt formidable Enemy; and therefore there has been always a great Difference put between Papiſt *and* Proteſtant Diſſenters, *how bad and how dangerous ſoever they may be.*

The Church has no Reaſon to complain of the Effects of the Toleration; for as the Numbers of thoſe who divide from us, do viſibly abate all over the Nation; ſo the Heat and Fermentation which was rais'd by thoſe Diviſions, is almoſt intirely laid; and we cannot but look on that as a happy Step towards the healing of our Wounds.

But what may not we look for, under the Reign of ſuch a QUEEN, *whoſe Example, whoſe Virtues, and Zeal, give us Reaſon to hope for a happy State of Matters in the Church, if undue Severities do not again raiſe new Flames, and ſet a new Edge on Mens Spirits, which may blaſt theſe Hopes, and defeat the Succeſs that we might otherwiſe expect under ſuch an auſpicious Reign.*

Before the Act of Toleration paſs'd, while Conventicles were illegal and criminal Aſſemblies, yet even then, a Man in Office, that was preſent at them, was only liable to ten Pounds; whereas by this Bill, he is liable to a Fine of an hundred Pounds for being preſent at them, tho' they have now an Impunity by Law: It does not ſeem ſo very ſuitable, that the ſame Action ſhould be ten times more penal after ſuch an Impunity is granted, than it was before the paſſing that Law, while ſuch Aſſemblies were illegal.

A known Maxim, Gentlemen, with relation to all Laws that are highly penal, is, that the Words, expreſſing the Crime, ought to be clear, and of a determinate Senſe; not liable to Conſtructions and Stretches, ſince the Greatneſs of the Penalty may prove an Inducement to make thoſe Stretches, and

to

Digitized by Google

to carry them far beyond what is intended. The Crime, tho' never ſo Penal by this Bill, is to be in a Meeting with five more than the Family, under the Pretence of religious Worſhip, other than according to the Liturgy and Practice of the Church of England. *Now we know indeed what the Liturgy is; but it is not ſo eaſy to tell what the Importance of the Word* Practice *may be, or how far that may be carry'd; whether it is the Practice of Cathedral or Parochial Churches? And whether Practice ſhall govern the Liturgy, as in the not ſaying the ſecond Service at the Altar, or Chriſtning after the ſecond Leſſon? And whether all Family-Prayer, if not by the Form of the Liturgy, is not condemn'd? Tho' many Books for Family-Prayers have been much recommended, and commonly made Uſe of.*

But as the Penalty ſeems exceſſive, and the Words are of uncertain Signification, ſo we cannot approve of the Application of the Sums to be rais'd by this Bill, that they ſhould all go to the Informer. The ancient Method was to give them to the Crown; it was one of thoſe Truſts that were lodg'd with the Sovereign; and ſo the Laws were to be executed more ſeverely or remiſsly, as the publick Occaſion requir'd.

Thoſe who read the Roman *Hiſtories, ſee what a Sort of People the* Delatores *were, the encouraging them, eſpecially Servants againſt their Maſters, was reckon'd amongſt the greateſt Reproaches of the worſt Emperors: But tho'* Domitian *made much Uſe of ſuch Vermin, it is ſet out as the greateſt Glory of* Trajan's *Reign, that he free'd* Rome *from that Plague, and baniſh'd all thoſe infamous Betrayers of their Maſter. Nor is it to be otherwiſe than hop'd, under ſuch a Government as her Majeſty's, who*

Digitized by Google

who as much excels Trajan, *as* Trajan *did* Domitian, *that there ſhall be no ſuch Blemiſh on it; and that no Encouragement ſhall be given to falſe Accuſations and Perjury, which, it is to be apprehended, will follow, if ſo great a Reward is offer'd as the Bill propoſes. We think the Reward, that is offer'd, ſufficient to encourage honeſt and well-minded Men, to diſcover what they may know; and cannot imagine it juſt or lawful, to lay before them Temptations that may be too ſtrong for them.*

The Practice of Occaſional Conformity *is not new; it is almoſt of the ſame Date with the* Act of Uniformity; *and it has, according to my reading, been a known Diſpute among the* Diſſenters, *and vindicated in Print by ſome of them, witneſs Mr.* How *lately; and practis'd by many of them, who had no Thoughts of Offices, and has been a Means of bringing ſeveral Perſons intirely from Meetings. However, we are very willing to make it impoſſible for ſuch Men to keep in Offices, becauſe Hypocrites would make uſe of ſuch a Liberty: But we are not willing to ruin Perſons utterly on Account of a Practice, that many well-meaning Men have been, and may be led into, and which we think tends naturally to bring them over entirely to the Church.*

We agree to that Part of the Penalty, which anſwers the viſible Deſign of the Bill, by making the going to a Conventicle, to be Forfeiture of Office. To go further, to ruin Men's Eſtates, to make them infamous, (for what can be more infamous than a total Incapacity) is what we have it in Command to diſagree to, as exceeding all Bounds.

The Managers for the Commons, by way of Reply to the Arguments made uſe of by his Lordſhip, in the Name of the Peers, ſaid, 'That ſeveral of them were againſt the Bill, 'when

Digitized by Google

'when their Lordſhips had actually agreed to 'the greateſt Part of it, and therefore ſhould 'confine themſelves, and ſpeak only to this 'one Amendment. That no Time could be more 'ſeaſonable for the Bill, than the preſent, be-'cauſe the Church was now in no Danger from 'Popery or Fanaticiſm; and urg'd, that good 'Laws were to be made for Poſterity, and 'might be obtain'd moſt eaſily in the beſt 'Reigns. That the Commons Penalty bore a 'juſt Proportion to the Offence; and that all 'above one hundred Pounds, was for an ob-'ſtinate perſiſting in the Crime. That the 'Offender could not be guilty through Inad-'vertency; he would offend *knowingly* and *wil-'lingly*. That the *Teſt Act* gave five hundred 'Pounds (a much greater Penalty than in the 'Bill before them) to the Informer, beſides 'bringing the Offender under very great Dif-'ficulties. That an innocent Man was no more 'ſecure under the *Teſt Act*, than under that 'Bill. The Queſtion would be always upon 'his acting, or not acting, which did not de-'pend upon the Record. That the Tryal would 'be by a Jury, not in a ſummary Way before 'a Juſtice of the Peace, as in ſome of the Penal 'Laws. That it was plain, good Proteſtants 'might be affected with the *Teſt Act*. That 'ſome of the Lords Arguments had been ſo 'irregular, as to defend *Occaſional Conformity*; 'and that the Commons Managers were ſur-'priz'd to find a Prelate to turn Advocate in 'Print for it. Thereupon they left the Bill with the Lords, and ſaid, *They hop'd their Lord-ſhips would not let the Publick loſe the Benefit of ſo good a Law.* But thoſe that ſpoke laſt, were

Digitized by Google

miſtaken, for the Houſe of Peers would not recede from their Amendments, and ſo the Bill was loſt. Towards the Non-paſſage of which into an Act, none contributed more, by his Intereſt with the PEERS, and Strength of Argument, than the Lord HALIFAX.

However, the Parliament had not ſate long in the enſuing Year 1703, but the ſame Bill was again put on Foot in the Houſe of Commons, by thoſe who were zealous Stickers for its paſſing into a Law; nor did it long want the Concurrence of a conſiderable Majority among them, by the Means of Mr. *Bromley*, Sir *Edward Seymour*, and others, who were for carrying Matters with a high Hand, in order to the better Support of that Power which they ſtill continu'd to hold at Court, and which they were ſenſible would otherwiſe decline. Tho' the chief Miniſter, the Lord Treaſurer *Godolphin*, the Duke of *Marlborough*, and others, by their Encouragement and Approbation, caus'd an able and judicious Writer, Dr. *Charles Davenant*, to ſet forth a Book at that Time, wherein he enforc'd what her Majeſty had ſome Time before recommended from the Throne, and endeavour'd to bring all Sorts of Men to fling aſide their Heats and Animoſities, and to unite in their own Defence againſt the common Danger; which Book the Lord *Halifax* had the Peruſal of Sheet by Sheet, and contain'd many excellent Remarks of that Noble Peer.

Yet, notwithſtanding the above-mention'd Bill had a very quick Paſſage through the Houſe of Commons, it was ſtrenuouſly oppos'd in the Houſe of Peers, where his Lordſhip again, at a ſecond Reading, declar'd, *That inſtead of making*

Digitized by Google

king Amendments to it, as in the laſt Seſſion of Parliament, it ought to be thrown out of the Houſe. And to ſhew the Unſeaſonableneſs of any Thing that might ſeem to lead to Perſecution, he took Notice of the diſtracted State of *Scotland*, and of the Inſolence of the *Papiſts* in *Ireland*; adding, *That they ought rather to imitate the Parliament of the latter Kingdom, in their Zeal againſt Popery, than to frame Laws to increaſe Diviſions amongſt her Majeſty's Proteſtant Subjects*; and not ſticking to ſay, *That if they paſs'd the Bill, they might as well tack the pretended Prince of* Wales *to it.* Whereupon the Bill was rejected, to the great Satisfaction of ſuch Perſons as conceiv'd it to be productive of very pernicious Effects.

As this Procedure of the Lords could not but nettle the Commons, ſo the latter, ſoon after their ſecond Diſappointment, took Occaſion to ſhew their Reſentment after the following manner. The Queen had acquainted both Houſes of Parliament of ſome very ill Practices and Deſigns carry'd on in *Scotland*, by Emiſſaries from *France*; upon which, the Lord *Halifax* mov'd the Houſe of Peers, that a ſelect Committee might be choſen, to examine into the Nature of that Conſpiracy; which was accordingly appointed, and went ſo far on that Affair, as to take ſeveral Perſons out of the Hands of the Queen's Meſſengers, as Sir *John Maclean*, Major *Bouchier*, &c. and to commit them to *Newgate*. Hereupon the Commons conceiving the Choice of the ſaid Committee to examin the Perſons ſuſpected, to be an Incroachment upon the Royal Prerogative, at leaſt a Reflection on ſome of her Majeſty's Miniſters, in particular the Earl of *Nottingham*, addreſs'd her Majeſty, 'To ſuffer

Digitized by Google

'no Diminution of her Royal Authority, by 'permitting the Lords, *in Violation to the known 'Laws of the Land*, to wreſt Priſoners taken in- 'to Cuſtody by her Meſſengers, in order to be 'examin'd, out of her Majeſty's Hands, *&c.* And afterwards reſolv'd, *That the Earl of* Nottingham, *one of her Majeſtys principal Secretaries of State, for his great Ability, and Diligence in the Execution of his Office, for his unqueſtionable Fidelity to the QUEEN and her Government, and for his ſteady adhering to the Church of* England *as by Law eſtabliſh'd, had highly merited the Truſt repos'd in him.*

In Anſwer to this, the Lord *Halifax*, who made the Motion for electing the Committee ſo choſen, to vindicate the Honour of the PEERS, and aſſert their Privileges, apply'd himſelf to his illuſtrious Aſſociates after this manner.

My LORDS,

'THE Expreſſions in the Addreſs of the 'Houſe of Commons, now before us, are ſo 'very harſh and indecent, that I may truly 'affirm the like were never us'd of the Houſe 'of Peers in any Age; not even by that tu- 'multuous Aſſembly, which, under the Name of 'the Houſe of Commons, took upon them not 'only to aboliſh the Houſe of LORDS, but to 'deſtroy the MONARCHY.

'Nor is the Matter of it leſs injurious than 'the Terms. There is not the leaſt Occaſion 'for a juſt Objection to any Part of our Con- 'duct in that Buſineſs to which the Addreſs 'relates, the Proceeding having been ſtrictly 'juſtifiable by the known Laws and Cuſtoms

'of

of Parliament, carry'd on with the utmoſt Reſpect to her Majeſty, and with true Zeal for the Safety of her Perſon and Governmen, and agreed to by the concurrant Opinion of the Houſe, withour the leaſt Objection from any of our Members, who have the Honour of ſerving her Majeſty in Gread Offices and Employments.

'It behoves us therefore, with Submiſſion to your Lordſhip's Judgement, to repreſent to her Majeſty, that by the known Laws and Cuſtoms of Parliament, that the Houſe of Peers has an undoubted Right, in Caſes where they conceive it to be for the Good and Safty of her Majeſty and the Kingdom, to take Examinations of Perſons charg'd with Criminal Matters, whether ſuch Perſons be then in Cuſtody or not; and alſo to order the Perſons ſo to be examin'd, to be taken into Cuſtody of her ſworn Officers attending this Houſe, during ſuch Examinations, or to commit them to any other ſafe Cuſtody, that they ſhall think proper; and to reſtrain others, if we ſee Cauſe, from having Acceſs to, or Communication with them. This Houſe has exercis'd this Right from Time to Time, as Occaſions have requir'd, without Objection.

'Our Records are fitted with Precedents which warrant our Claim in every Part of it; and the drawing this Right into Queſtion at any Time, cannot but be of dangerous Conſequence to the Liberties and Safety of the People, and to the Conſtitution of the Government, as tending to avoid, or render in great Meaſure ineffectual the Enquiries of Parliaments, which are ſo abſolutely neceſſary, eſpecially where

'many

Digitized by Google

'many, and great Persons, are engag'd in dan-
'gerous Designs against the Government; or,
'where ill Ministers abuse their Favour to-
'wards the oppressing or enslaving of the Peo-
'ple.

'Her Majesty's Wisdom and Goodness make
'us secure at present, against all Influences of
'that Kind; but if it shall happen in future
'Times, that ill Men should gain too great a
'degree of Favour with our Princes, how easy
'will it be for them to stifle or defeat all Parli-
'amentary Enquiries into their Crimes? For if
'the being in Prison, or in the Hands of a Mes-
'senger, will protect Men from being examin'd
'in the House of Lords, or from being put into
'Custody of the proper Officers of the House,
'during the Examination, and debar'd from con-
'versing with others, it will certainly be always
'in the Power of Favourites to cause those who
'can be Witnesses against them, as well as
'the Accomplices of their Designs, to be taken
'into Custody. And if Persons in Custody, are
'out of the Reach of the House of Lords, who
'are the hereditary Counsellors of the Crown,
'and in whom a judicial Power is lodg'd by the
'Constitution, it is not to be imagin'd, that the
'Commons can pretend to a greater Power of
'examining, committing, or restraining them.

'No House of Commons, 'till now, has given
'Countenance to this dangerous Opinion, which
'does so directly tend to the rendering ill Mini-
'sters safe from the Examination of Parlia-
'ments. And I am perswaded, no House of
'Commons hereafter, will assume such a Notion,
'because they are not wont easily to part with a
'Power they have once assum'd; and it is most
'certain,

Digitized by Google

certain, that they have ſeveral Times taken upon them to exerciſe an Authority like that which they have ſo ſeverely reflected upon in their Addreſs.

'This Conſideration may give us the greater Aſtoniſhment, to find our Proceedings repreſented in theſe ſtrange Terms of *wreſting Priſoners out of her Majeſty's Hands, and taking the Examination of them ſolely to our ſelves.* We ought therefore to acquaint her Majeſty, that we believe the ordering Perſons to be examin'd in that high Court, where her Majeſty is always preſent, in Conſideration of Law, and in that Great Council where ſhe may bepreſent in her Royal Perſon, will never be thought an Excluſion of her Majeſty from the Examinations, if that was intended to be inſinuated, by ſaying, *We had taken the Examination ſolely to our ſelves.*

'Nor will it be improper thus to lay before her Majeſty, what it is we claim, and muſt inſiſt on, as the indiſputable Right of the Houſe of Peers, which was never thought in the Time of her Royal Anceſtors, to be prejudicial to the juſt Prerogatives of the Crown, and which is manifeſtly neceſſary for the ſecuring the Liberties of her People, whereof we are aſſur'd her Majeſty will have an equal Care.

'I might add to what I have already troubled your Lordſhips with, that the carrying this unprecedented Addreſs to her Majeſty, in ſo haſty a Manner, ought to give us almoſt as great Trouble, as the hard Uſage we find in it. The ancient, known, and indeed, only effectual Method of preſerving a good Correſpondence

'between

Digitized by Google

'between the two Houſes of Parliament, has 'been by Conferences. If at any Time, either 'Houſe conceiv'd they had a reaſonable Ground 'to object againſt the Proceedings of the other, 'Conferences have been, deſir'd and the Matter 'in Debate between them fairly, diſcuſs'd, and 'hereby Miſtakes have been clear'd, for the moſt 'part, and a good Underſtanding cultivated, 'and a mutual Reſpect preſerv'd, which is al-'ways highly requiſite in the Nature of our 'Conſtitution, but more eſpecially neceſſary in 'this Time of War and Danger.

'Had the Houſe of Commons thought fit to 'have purſu'd this Method, upon this Occaſion, 'we ſhould have been able to have given them 'entire Satisfaction, not only of the Lawfulneſs 'of all we had done, but of the juſt and weighty 'Grounds upon which we took the Examinati-'onof theſe Perſons into our own Hands; or, at 'leaſt, if they could have convinc'd us of any 'Miſtake, we ſhould have given them any rea-'ſonable Satisfaction.

'But without making any ſuch previous Step, 'the Houſe of Commons have made an Appeal 'directly to the Throne, againſt the Houſe of 'Lords, and charg'd them, tho' moſt unjuſtly, 'with Attempts of the higheſt Nature. Nothing 'like this, was ever done before; and out of our 'hearty Concern for the Preſervation of our hap-'py Conſtitution, we are to hope the ſame Thing 'will never be done again.

''Tis known that her Majeſty's Royal Heart is 'immovably fix'd on preſerving the Liberties of 'her People, and tranſmitting them entire to Po-'ſterity; but if in after Times, the Houſes of 'Parliament ſhould be appealing againſt one

'another

Digitized by Google

another to the Crown, (for if such a Course be justifiable in the House of Commons, the same Method may be taken by the Lords) as her Majesty is now sensible how great Difficulties it necessarily brings upon a good Prince, so it is easy to foresee how fatal the Consequences may be in the Reign of an ill-designing Prince, and what Advantages may be taken from it, for utterly subverting the best order'd Form of Government in the World.

'There are Examples Abroad, where Proceedings of this Kind have ended in the Overthrow of the Liberties of the People, which should make us the more to apprehend the beginning of them among ourselves, and represent to her Majesty, that her great Judgment cannot but readily discern whither it does naturally tend, for one House of Parliament to be exciting and earnestly desiring the Sovereign to exert a real or suppos'd Prerogative against the other House. It is not easy to imagine what the Commons could expect of her Majesty, from such an Application. The Lords have never entertain'd a Thought of using this dangerous Method, whatever Occasions may have been given within the Compass of late Years.

'Her Majesty should also be told, that we shall never be guilty of the Presumption of prescribing when, or against whom, she should exert her Royal Prerogative; and that we will always be ready to assist her in the Support of the just Rights of the Crown, as well as in maintaining the Liberties of the Subject, which are equally dear to her.

'It may with Modesty and Truth be affirm'd, that the Lords have in all Times been the surest and most natural Bulwark of the Prero-

gative of the Crown, they being (as her Majesty's Grand-father, of blessed Memory, was pleas'd to express it) *an excellent Screen and Bank, between the Prince and the People,* to assist each against the Encroachments of the other.

'It concerns us, my Lords, never to contribute, by any Act of ours, to the Diminution of the Rights of the Crown, nor to suffer it in others. And we cannot act otherwise, without hurting our selves in the highest Degree, being throughly convinc'd, that the Preservation of the legal Prerogative, is not only the surest Way to secure our own Privileges, but of absolute Necessity for the happy and rightful Administration of the Government. And it is to be hop'd, that the House of Commons will, in all Times to come, speak and act with that Regard to the Prerogative which they seem to have taken up very lately.

'There remains one Particular more, which is as fit to be laid before her Majesty, that is, the Insinuation in the Address, as if the Examination of these Prisoners by the Lords, was in order to obstruct the Enquiry into the Designs against the Queen's Person and Government, or at least, that it is likely to produce such an Effect. Our dutiful Zeal for her Majesty's Government, and our warm Concern to discover all Designs, and oppose all Practices against it, are two well known to the World, that any Suggestions of that sort should make the least Impression to our Disadvantage, since it is easy to determine, whether a hearty and forward Undertaking to search into the Designs of her Enemies, or the seeking Occasion to object to, and interrupt such Endeavours, be most likely

'to

Digitized by Google

to obſtruct the Diſcovery of the pernicious Practices of Traytors.

'Finally, my Lords, it is of the higheſt Import to make this Repreſentation to her Majeſty; for the preſenting of which I have ſo long treſpaſs'd upon this auguſt Aſſembly, out of a paſſionate Concern, which every Member that ſits here moſt undoubtedly has, to ſtand not only acquitted, but approv'd, in the Judgment of ſo excellent a Queen, and ſo juſtly belov'd of all her Subjects.

'Let us tell her Majeſty, we depend upon her Juſtice, as well as Goodneſs, that nothing can do us Prejudice (from whatſoever Hand it comes) in her Royal Opinion, while we continue to act in that Station where we are plac'd by the Form of the *Engliſh* Government, according to the Laws and Cuſtoms of Parliament, with all imaginable Reſpect and Duty to her ſacred Perſon, and all poſſible Zeal for the Safety and Happineſs of her Kingdoms.

'An humble Addreſs from this Houſe, concluded with our firm Promiſes, that no Dangers, no Reproaches, nor any Artifices whatſoever, ſhall deter, or detain us from uſing our utmoſt Endeavours, from Time to Time, in diſcovering and oppoſing all Contrivances and Attempts againſt her Majeſty's Perſon and Government, and the Proteſtant Succeſſion by Law eſtabliſh'd, cannot but be well taken by her Majeſty. 'Tis therefore my humble Opinion, that an Addreſs be drawn up, and preſented to her Majeſty, in purſuance of the Particulars I have taken the Freedom to lay before your Lordſhips, as a Member of this Houſe.

Digitized by Google

Accordingly there was one drawn up, and presented, which the Queen receiv'd very graciously, and return'd a favourable Answer to. This inflam'd the House of Commons more and more against the Peers, and made them omit no Opportunities of widening the Breach between them; nor were they in want of one long, to highten their Differences, from the Lords interposing in an Affair, the Cognizance of which the lower House of Parliament pretended solely belong'd to themselves. The Case was thus, one *Matthew Ashby* commenc'd and prosecuted an Action at Common Law, against *William White*, Mayor of *Ailesbury*, and others the Constables of that Town, for refusing to receive his Vote at an Election of Burgesses to serve in Parliament for the said Borough; but being cast, he brought an Appeal into the House of Lords; who, upon strict Examination of Witnesses, and upon mature Deliberation, gave Judgment in Favour of *Ashby*; thereby asserting both the Right of Electors, and the Freedom of Parliaments. Hereupon the Commons looking on those Proceedings as an Incroachment on their Priviledges, not only came to several Resolutions against them, but order'd five other *Ailesbury*-Men to be taken into Custody, and committed to *Newgate*; signifying at the same Time, by an Order of their House, affix'd to *Westminster-Hall-Gate*, *That whoever should presume to commence or prosecute any Action, Indictment, or Infor[illegible] which should bring the Right of the Electors, or [illegible] elected to serve in Parliament, to the Determina[illegible] any other Jurisdiction, than that of the Ho[illegible] Commons, (except in Cases specially provided [illegible] Act of Parliament) such Person and Persons, a[illegible] Attorneys, Solicitors, Counsellors, and Serjean[illegible]*

Law,

Law, ſoliciting, proſecuting, or pleading in any ſuch Caſe, ſhould be deem'd guilty of a high Breach of Privi-ledge of that Houſe.

Now, 'tis to be obſerv'd, that the whole Streſs of the foregoing Reſolutions, was intended againſt the Lord *Wharton*, who was entirely in the Friendſhip of the Lord *Halifax*, and who, by his Generoſity to the Priſoners in Diſtreſs, that were altogether ſubſiſted by his Bounty, had made himſelf the Mark of the Commons Reſentment. But ſuch was the Effect of the Repreſentation made to the Queen by the Houſe of Peers, in Purſuance of the Speech juſt now given the Reader Verbatim, that notwithſtanding, eleven of the Judges were ſo intimidated, as to give their Opinion againſt the Return of the *Habeas Corpus* for the Priſoners; and not only they, but the Counſel which appear'd for them in Juſtification of the Legality of that Return, were put into the Cuſtody of the Serjeant at Arms, to prevent the Execution of the Writ of Error, which it ſup-

[illegible]her Majeſty for, that the ſaid Princeſs [illegible] in her Anſwer to it, 'That ſhe would 'have granted what they deſir'd, but finding an 'abſolute Neceſſity of putting an immediate 'End to the Seſſion, ſhe was ſenſible there could 'have been no farther Proceedings upon that 'Matter'.

Not but, before we ſpeak of the riſing of both Houſes, we ought to give an Account of another Debate, which his Lordſhip was again concern'd in, and that is, about the Bill for preventing Occaſional-Conformity, and which had a third Time been ſent up to the Houſe of Peers, for their Lordſhips Concurrence, after it had well-nigh been loſt in that of the Commons, thro' the Means

Digitized by Google

Means of an Expedient found out by Mr. *Bromley*, for its Paſſage, without any Poſſibility of an Amendment from the Lords, by Virtue of its being tack'd to a Money-Bill. Which Expedient, it was ſaid, was ſuggeſted by the Lord *Halifax*, to Mr. *Harley*, (now Earl of *Oxford*) then come over to the Meaſures of the moderate Party, in order to the total Defeat of thoſe that were for carrying Matters with a high Hand, even at a very tickliſh Conjuncture. Upon the firſt Reading of the Bill, the Arch-biſhop of *York* declar'd, *That he was for ſo much of it as concern'd the Church*; whereupon his Lordſhip (whoſe Memoirs are in Hand) ſaid, 'He was glad to hear that 'learned Prelate make a Diſtinction between 'the *Eccleſiaſtical* and *Political* Part of the Bill; 'and he hop'd that all the Lords, who in their 'Conſciences were ſatisfy'd, as his Grace ſeem'd 'to be, that the Bill was fram'd to ſerve a *Temporal*, as well as *Spiritual* End, *would vote againſt* 'it.' Which had ſuch an Influence on that Auguſt Aſſembly, that when it was propos'd to be read a ſecond Time, it was carry'd in the Negative by a Majority of 71 Voices againſt 50.

Little or nothing farther relates to his Lordſhip, during that Seſſion of Parliament, which broke up on the 14th of *March* 1704, than that when the E. of *N*—— had ſpoken ſomething in Derogation of the late King *William*, for the Treaty of Partition, the Lord *Halifax* roſe up, and ſaid, *It was unbecoming a Member of that Houſe, to ſully the Memory of ſo Great a Prince, and that he doubted not, but a Man who could reflect on King* William *before his Succeſſor*, (for the Queen was preſent at the Debate) *would do the ſame by the Queen then reigning, when ſhe was gone: For as to*

the

the Treaty then mention'd, he added; *that there was a noble Lord there present*, bowing to the Earl of *Jersey*, *who was the principal Agent and Plenipotentiary in that Treaty, and whose Duty, as well as Interest, it was to vindicate both the Memory of his late most gracious Master, and his own Conduct.* He likewise said, in the Debate about the Act of Security, pass'd in *Scotland*, by the Advice of the Earl of *Godolphin*, then Lord *Treasurer*, wherein the Earls of *Nottingham* and *Rochester* urg'd the ill Consequenses of it, *that if that Act had not been granted, there might have been Danger of a Rebellion in that Kingdom.* And declar'd, when some other Lords were for hazardous Schemes by way of Opposition to it, 'That as skilful Physicians, and wise Legislators, 'they ought rather to apply present Remedies 'to a known Evil, than to lose Time in enquiring whether it might have been prevented, 'and that the best Method to prevent the Inconve[illegible]ces which might happen by some late Acts [illegible] *Scotland*, was by making such Laws in [illegible], as might be conducive to that Pur[illegible] and *recommended* the *empowering* the Queen, by Act of Parliament, to name Commissioners to treat about an Union with *Scotland*, provided 'that those Powers were not put in Execution, 'till Commissioners should be nam'd on the Part of *Scotland*, by the Parliament there. 'That *Scotch* Men should not enjoy the Privi'ledges of *English* Men, except such as were set'led in *England*, *Ireland*, and the Plantations; 'and such as were and should be in the *English* 'Sea or Land Service. That the bringing of 'Cattel from *Scotland* into *England*, should be prevented. That the Lord high Admiral, or 'Commissioners of the Admiralty, for the Time

'being,

being, should be requir'd to give Orders to her Majesty's Ships, to take such Vessels as they should find trading from *Scotland* to *France*, or to the Ports of any of her Majesty's Enemies: And that the Exportation of *English* Wooll into *Scotland*, might be carefully hinder'd. All which Motions terminated in several Resolutions, the Result of which was, that Orders were given the Judges to reduce them into *Bills*, which pass'd into Acts by Consent of both Houses of Parliament; so that the Union of *England* and *Scotland*, (in the bringing about of which, the Lord *Halifax* was nominated one of the Commissioners on the part of the former) and which her Majesty afterwards declar'd from the Throne, *she would always esteem as the greatest Glory of her Reign*, was originally to be ascrib'd to his Lordship, who first propos'd it.

Both Houses being now up, and a new Election for Members of Parliament to serve in the House of Commons, just ready, as it were, to be made; both the one and the other Party set themselves at Work to vindicate their several Procedures, that they might stand right in the Judgments of those that were to make Choice of them. And [illegible] those who call'd themselves *moderate Men*, [illegible] they were not for pushing Things to Ext[illegible] saw that the Queen, by some Expressions [illegible] Speech at her dismissing them into the C[illegible] wholly disallow'd of the Measures taken [illegible] Commons, for the Passage of the Occasional [illegible] formity Bill, by a T A C K, which she call[illegible] *dangerous Experiment*, and the unhappy Div[illegible] between both Houses in the *Aylesbury* Affair; under the Terms *of their own unreasonable H[illegible] and Animosity*, they therefore made it their [illegible] deavour

deavour to strengthen their Interest with the People, by exposing the Names of such, which were 134 in Number, whom her Majesty seem'd to point at from the Throne, as above express'd, in *Black Lists*, and other popular Pamphlets. In Answer to this, the Gentlemen thus expos'd, by themselves and their Adherents, justify'd their Conduct in Print; and by Way of Reply to anonymous Authors, a Pamphlet said to be *Mr. Bromley's* Speech in Relation to the Conformity-Bill, and T A C K, soon saw the Light. It was look'd upon as a very valuable Performance, (and indeed could not be otherwise, if it was really that Gentleman's) and mightily cry'd up by those, who espous'd the same Cause with him, therefore his Lordship no ways thought it beneath him, amidst the great Avocations of his Post, to examin into it, and afterwards print some Remarks upon it, which were given to *William Bromley*, Esq; who told the Author of these Observations, that he handed it to the Press. It came out under the Name of *An Answer to Mr. B——'s Speech*, as above, in a Letter to a Friend, and ran thus:

Sir,

I Have receiv'd the Favour of your Letter, in which you tell me strange News indeed: That after all the Noise that has been so long against the T A C K E R S, insomuch that most of them thought their safest Way was to deny it in their several Countries, yet now they seem to take Heart again, and *Mr. B——*, who you say is lately come down, undertakes to justify all that Proceeding. The Arguments he makes Use of, you tell me, are these:

In the first place, he says, *The Practice of Occasional Conformity, is such a Scandalous Hypocrisy, as is no way to be excus'd upon any Pretence whatsoever: That it is condemn'd even by the better Sort of Christians themselves: That the employing Persons of a different Religion from that establish'd by Law, has never been practis'd by any wise Government, and is not allow'd even in* Holland, *at this Day: That the Sacramental Test was appointed by the Wisdom of the Legislature, to preserve the establish'd Church; that the Church seems in as much Danger from the Dissenters now, as it was from the Papists then: That this Law being so necessary, and having been twice rejected by the House of Lords, the only way to have it pass'd was to tack it to a Money-Bill: That it had been a constant Practice to tack Bills that were for the Good of the Subjects, to Money-Bills, that while Great Taxes were laid upon the People, for the Support of the Crown, the Crown might, in Return, pass such Bills as were for the Benefit of the People: That what Necessity there was for the Money-Bills pass'd, was rather an Argument for, than against this Practice: For what Danger could there be, that the Lords (who pretend to be such great Patriots) should reject the necessary Supplies, than pass an Act so requisite for the Preservation of the Church: That, however, if they could suppose them so unreasonable, the Matter was not yet so bad; for it was but only proroguing the Parliament for a few Days, and the Commons might have pass'd the Land-Tax again without the TACK.*

To consider these Arguments in their Order, I shall very readily own, That a Man who thinks it unlawful to receive the Sacrament according to the Manner of the Church of *England*, and yet does it to qualify him for an Employ-

ment,

ment, is no way to be justify'd. And I shall grant further, that one who does go once to Church, to qualify himself, and never goes after, is to be condemn'd, whether his not going afterwards be upon a Scruple of Religion, or his having no Religion at all. But neither of these is the Person against whom this Bill is levell'd, the Design of this Bill being against such as do some Times go to Church, and do at other Times resort to Separate Congregations.

Now, to judge how far this Practice may be lawful, we must consider the Reasons the Dissenters pretend, for the Separation from the establish'd Church.

There are some who pretend all Communion with the Church absolutely unlawful. There are some who do not object to Communion with the Church in general, but to some particular Parts of the Common Prayer. There are others who do not pretend there is any Thing in the establish'd Way of Worship, sinful and unlawful, but they think their own Way more pure and decent, and more according to God's Word. There are others that do not carry the Matter quite so far as these, but having been brought up in a Way of Worship who has nothing unlawful in it, they think they ought not to leave their Friends entirely, unless there were somewhat sinful to make them do it.

As to the first Sort, they never communicate with the Church, such are the Quakers, and therefore are not concern'd in this Question.

As for the second Sort, an Objection to a particular part of our Service cannot justify Men for not conforming to our Church, in those Parts of our Service to which they have no particular Objection.

And as to the two last Sorts, which are by much the most considerable, and comprehend the greatest Part of the Independents and Presbyterians, I cannot see how those Pleas can justify them for never going to our Churches, tho' they may think themselves justify'd by them, for going to their separate Congregations also.

That this was the Case of several of the Dissenters, is very evident from their Practice. Dr. *Bates*, and Mr. *Baxter*, and some others of the most eminent Teachers among the Dissenters, did, after the Restoration, go constantly to Parish-Churches, staid all the Divine Service, receiv'd the Sacrament every Month, and exhort and bring their Auditors to do the same, though at the same Time they thought themselves oblig'd to keep up their separate Congregations. And accordingly there are at this Day, in many Parts of *England*, several Congregations of Men, Women, and Children of such who neither, by their Circumstances, Sex, or Age, can have the least Pretence of Office, who go some Times to the established Church, stay all the Divine Service, receive the Sacrament, and yet at other Times resort to separate Congregations. And how this has been so great a Step towards a Conformity, and has prov'd so in very many Families of Condition, becomes at present so scandalous

fondness and hypocritical a Practice, I cannot for my Life imagin.

Our Ancestors had very different Opinions of this Matter; the Papists communicated with our Church in the Beginning of Queen *Elizabeth*'s Reign, and were so far from being charg'd with Hypocrisy by any of our Church-Men for it, that all Encouragement that could be, was given to them; and a Declaration against Transubstantiation, which was the Liturgy in *Edward* the Sixth's Time, was, to avoid Offence, left out, and not put in again till the Restoration. The Pope, indeed, did not think it for his Interest to allow the Practice, and therefore forbad it. And yet I hope Mr. *Bromley* will not pretend, the Differences between us and the Dissenters, are greater than between us and the Papists; or, that there is not as much Probability of making the former join with us in one common Interest, as ever there was of the latter.

But this Practice, Mr. Bromley *says, is condemn'd by the better Sort of Dissenters themselves.*

That this Practice should be condemn'd by the most violent Part of the Dissenters, I think there is no Reason to wonder at. Those who would perswade their Auditors, that all Communion with the Church of *England*, is absolutely unlawful, must use their utmost Endeavours to keep their Auditors from looking into the Practice of that Church. There is nothing so Devout, so Reverend, and so Christian, in our Forms of Worship, and particularly in that of administering the Sacrament, that the surest way to keep People from complying with them, is, to keep them from

knowing

As for the second Sort, an Objection to a particular part of our Service, cannot justify Men for never conforming to our Church in those Parts of our Service to which they have no particular Objection.

And as to the two last Sorts, which are by much the most considerable, and comprehend the greatest Part of the Independents and Presbyterians, I cannot see how those Reasons can justify them for never going to our Churches, tho' they may think themselves justify'd by them, for going to their separate Congregations also.

That this was the Case of several of the Dissenters, is very evident from their Practice. Dr. *Bates*, and Mr. *Baxter*, and some others the most eminent Teachers among those Men did, after the Reformation, go constantly to Parish-Churches, staid all the Divine Service, receiv'd the Sacrament every Month, and exhort and bring their Auditors to do the same, though at the same Time they thought themselves oblig'd to keep up their separate Congregations. And accordingly there are to this Day, in many Parts of *England*, several Congregations of Men, Women, and Children, such who neither, by their Circumstances of Life or Age, can have the least Prospect of any Office, who go some Times to the established Church, stay all the Divine Service, receive the Sacrament, and yet at other Times resort to separate Congregations. And how this Practice has been so great a Step towards a general Conformity, and has prov'd so in very many Families of Condition, becomes at present so notorious

scandalous and hypocritical a Practice, I cannot for my Life imagin.

Our Ancestors had very different Opinions of this Matter; the Papists communicated with our Church in the Beginning of Queen *Elizabeth*'s Reign, and were so far from being charg'd with Hypocrisy by any of our Church-Men for it, that all Encouragement that could be, was given to them; and a Declaration against Transubstantiation, which was in the Liturgy in *Edward* the Sixth's Time, was, to avoid Offence, left out, and not put in again till the Restoration. The Pope, indeed, did not think it for his Interest to allow the Practice, and therefore forbad it. And yet I hope Mr. *Bromley* will not pretend, the Differences between us and the Dissenters, are greater than between us and the Papists; or, that there is not as much Probability of making the former join with us in one common Interest, as ever there was of the latter.

But this Practice, Mr. Bromley *says, is condemn'd by the latter Sort of Dissenters themselves.*

That this Practice should be condemn'd by the most violent Part of the Dissenters, I think there is no Reason to wonder at. Those who would perswade their Auditors, that all Communion with the Church of *England*, is absolutely unlawful, must use their utmost Endeavours to keep their Auditors from looking into the Practice of that Church. There is somewhat so Decent, so Reverend, and so Christian, in our Forms of Worship, and particularly in that of administring the Sacrament, that the surest way to keep People from complying with them, is, to keep them from knowing

'knowing what they are. And there have 'been so many considerable Families, that by 'an *Occasional Conformity* at first, have been 'brought to a constant Conformity at last, 'that it is no Wonder those who are so violent 'for a Separation, should be against those Me'thods that have brought so many to an Union. 'But that Mr. *Bromley*, who professes himself so 'zealous a Friend to our Church, should call 'those *the better Sort of Dissenters*, who are the 'most violent against it, and should declare so 'warmly against a Practice by which the Church 'has gain'd so many Proselytes already, and is 'so likely to gain the rest, that, I confess, is 'to me a little extraordinary.

'But however, tho' some rigid Dissenters may 'disapprove the Practice of the *Occasional Con'formists*, I make no Doubt but the most violent 'of them would be alarm'd at any Thing done 'against it; nor can ever imagine, that if the 'Law were once alter'd to the Prejudice of those 'Dissenters, who approach so nearly to our 'Church, they might not soon expect a more 'severe Law against those Dissenters, who are 'so very distant from it.

But Mr. *Bromley*, you tell me, says farther, *That the employing Persons of a different Religion from that establish'd by Law, has never been practis'd by any wise Government, and is not allow'd even in Holland at this Day.*

'What Governments Mr. *Bromley* will allow 'to be wise ones, I shall not take upon me to 'determine; but that in all Ages, and in all 'Countries, where there were not Persecutions 'for Religion, the Governments have employ'd 'Persons under them, who were of different Re'ligions,

ligions, is so very notorious, that it would seem ridiculous to give particular Instances. The *Jews* employ'd the *Saracens*, and the *Heathens* employ'd the *Jews*. The *Pagans* employ'd the *Christians*, and the *Christians* the *Pagans*. In *France*, (which seems to be the Place some Persons propose for the Model of their Politicks and Church-Discipline) there was an Admiral a Lord Treasurer, and a Constable of *France*, (not to mention several others) who were Protestants. Nay, under this present Monarch, (as great a Persecutor as he has prov'd since) the whole Army of *France* was intrusted in *Protestant Hands*. There is scarce a Town in *Holland*, where the *Remonstrants*, as well as *Catholicks*, have not some Times been in their publick Offices. Some of the Generals of the Army, and Governors even of their frontier Towns, are at this Time *Roman Catholicks*. They do not only employ all Christians without Distinction, but even *Jews*, upon this Occasion; of which we had an Instance at *Madrid* in the late Reign, which caus'd a sort of Rupture between them and us: And that the other *German* Princes follow them in this, we may be convinc'd by the printed Discourse between Mr. *Limborch*, and a learned *Jew*, where there is a List of several *Jews* at that very Time actually employ'd at the *Hague*, as publick Ministers from several of those Princes. And Queen *Elizabeth* employ'd *Papists* in her Councils, Fleets, and Armies, during her whole Reign. Whether she was a wise Princess, or a Friend to the Church of *England*, let the World judge.

But

'But let all this be as it will, the Matter
'in Question is not, whether Dissenters from the
'establish'd Church, are employ'd by the Go-
'vernment there; for though they are, yet
'there is not one employ'd, that I know of,
'under her Majesty here. But the proper Ques-
'on is, whether it be penal in any who are in
'an Office, to go to a Separate Congregation?
'And this is so far from being penal, that the
'*Calvinists* and *Remonstrants* made no Scruple of
'going to one another's Congregations, when
'there was any particular Occasion for it. Nor
'is there any Country that I know of, except
'*England*, where the receiving the Sacrament,
'or any other religious Exercise, is necessary to
'qualify a Man for any Temporal Employ-
'ment; so that we have gone a deal further
'already than any Country has done.

But this Sacramental Test, Mr. *Bromley* says, *was thought necessary to preserve the Church; which Church seems to be in as much Danger from the* Dissenters, *as it was then from the* Papists.

'Every Body knows the Circumstances our
'Affairs were in at the Time when this Test
'Act was made. We had a Sovereign on
'the Throne, who was suspected to have a
'strong Inclination towards Popery; and
'if the Proofs, publish'd after his Death, of
'Authority, may be believ'd, was then actually
'a *Papist*. His Brother, who had then the
'greatest Share in the Administration, and
'had the Fleet and Army in his own Hands,
'was a profess'd one. The Lord Treasurer,
'who had the Disposal of all the publick Mo-
'ney, was a *Papist*. The Persons employ'd in
publick

publick Trusts, were such as were likely to pursue the Methods prescrib'd them by these. Secret Treaties were made with the *French* King, great Sums of Money receiv'd from him, and his Embassador was at the Head of our Affairs in *England*. In fine, there appear'd, upon all Occasions, an evident Disposition at Court to introduce Popery, and destroy the Liberty of the Subject; and there was a potent Prince ready at all Times, to engage in any Enterprize against the Protestant Religion, and the Civil Rights of *Europe*.

But is there any Danger like this, from the Dissenters at present? Has ever the most malicious Enemy but once suspected her Majesty of any Designs against the Church of *England*? Is there any Man employ'd in any Office under her, who has ever been said to be a *Dissenter*? Have the *Dissenters* shewn any Inclination to invade the *Church*? Are they not firmly united with her in the same common Interest? Or, if they were not, have they any foreign Prince, either willing or able to support them in any Attempt against her?

Thus far I have consider'd the Reasons that are given for the *Occasional-Bill* it self, and I must freely confess, I can see none that can satisfy me of the Necessity of it. I think the Practice of *Occasional-Conformity*, as us'd by the *Dissenters*, so far from deserving the Title of a *vile Hypocrisy*, that I esteem it the Duty of all moderate *Dissenters*, upon their own Principles, to do it. I also think, that however it may be disapprov'd by some *rigid Dissenters*, it ought to be encourag'd by all good *Churchmen*, as a likely Means to bring them over

to the true Communion. The employing Persons of a different Religion from the establish'd Church, has been practis'd in all Countries where Liberty of Conscience has been allow'd; and it is evident that we have gone farther already in excluding *Dissenters*, than any other Country has done: And that whatever Reasons there were to apprehend our Religion in Danger from the *Papists*, when the *Test-Act* was made, there does not seem the least Danger to it from the *Dissenters* now.

'But on the other Hand, I can see very plain Inconveniencies from this Bill at present. As it was brought in the last Time, indeed, they have added a Preamble, which tho' it was put in the *first* Edition of the Bill, was left out in the *second*, viz. *That the Act for Toleration should always be kept inviolable.* But the *Toleration-Act* being to take away all the Penalties that a Man might incur by going to a separate Congregation, and the *Occasional-Bill* being to lay new Penalties upon those that do it, how they can say, that this is not in it self a Violation of the other, I cannot very easily comprehend. I doubt it will put People in mind of what pass'd in *France*, where every Edict against the *Protestants*, began with a Protestation, *That the Edict of* Nants *ought to be always preserv'd inviolable*, 'till that very Edict, in which it was in express Words, was repeal'd.

'At a Time that all *Europe* is engag'd in a bloody and expensive War; at a Time that this Nation has not only such considerable Foes to deal with, but has a Party within her own Bowels, ready upon all Occasions to

call

'call in a *Popish Pretender*, and involve us all 'in the ſame, or rather worſe Calamities, than 'thoſe from which, with ſo much Blood and 'Treaſure we have been freed; at a Time that 'the Proteſtant Diſſenters, (however they may 'be in the wrong in ſeparating from us) yet 'are heartily united with us againſt the com'mon Foes to our Religion and Government; 'what Advantage thoſe who are in earneſt for 'defending theſe Things, can have, by leſſening 'the Number of ſuch as are firmly united with 'them in this common Cauſe, it is beyond my 'Ability ſo much as to imagine.

'But notwithſtanding I can ſee no Reaſon 'for ſuch a Bill as this, yet I would not have 'it thought, that the Dangers of the TACK 'were founded upon this Bottom only; for 'People may have quite a different Opinion 'of this Bill; they may think it convenient, 'they may think it in ſome Meaſure neceſ'ſary, and yet they may be againſt the run'ning ſuch a Riſque, as the tacking it to the 'neceſſary Supply. And to do every Body 'Juſtice, ſeveral Gentlemen who were very 'zealous for this Bill, did however appear 'averſe againſt that *dangerous Experiment* of 'Tacking it to the other.

But Mr. *Bromley* ſays, *This Bill being neceſſary for the Preſervation of the Church, and having been twice refus'd by the Houſe of Lords, the only way to ſecure its paſſing, was, to Tack it to a Money Bill.*

'This truly is a very compendious way of 'diſpatching Buſineſs; it has always been 'thought the Excellency of our Conſtitution, 'that no new Law could be made, or old Re-

Digitized by Google

'peal'd, without going through several Hands 'that were all Checks upon one another. 'Let the Commons be ever so much prepossess'd 'in favour of any Thing, they cannot propose 'it to the Throne to pass into a Law, with'out the Consent of the House of Lords: And 'let the Lords be ever so violent for any Bill, 'they cannot offer it to the Royal Assent, 'without the Concurrence of the House of 'Commons. And let both these Houses agree 'in their Opinion, yet it cannot pass into a 'Law, 'till it has its Sanction from the Throne. 'These different Steps are wisely order'd by 'our Constitution, for fear any Thing should 'pass into a Law by a particular Faction, by 'Heat of Parties, or by Inadvertency.

'But this excellent Form of our Legislature, 'is at an End, if Encouragement be given to 'this new Manner of TACKING. As 'all Money-Bills, however necessary for the 'publick Safety, must have their Rise and Form 'in the House of Commons; if this House may 'add to their Money-Bills, new Laws of quite 'different Nature to them; and if the Lords 'cannot, after this, pass those Money-Bills, 'without consenting to the other two, then it 'is the House of Commons only that has the 'Right of deliberating: For what Occasion can 'there be for the House of Lords to consider 'whether a Law be reasonable before they 'consent to it, when it is in the Power of 'the House of Commons to make them consent 'to it, whether they think it reasonable or 'not.

Notwithstanding this, Mr. *Bromley* declares, *That it has been an ancient Practice to Tack Bills that*

that were for the Good of the Subject, to Money-Bills; that while heavy Taxes were laid upon the People for the Good of the Crown, the Crown might, in Return, grant such Laws as were for the Good of the People.

'Whatever Pretence may be made of the Antiquity of this Practice, yet every Body knows 'it has been very rare, and is of a very fresh 'Date, and has only been when these two Circumstances have agreed. *First*, When Money 'was ask'd for the private Support of the Crown, 'and not for the general Necessity. *Secondly*, 'When some Bill had been before refus'd by the 'Crown, that was judg'd necessary for the Good 'of the Subject, not by some particular Men, 'or by one particular House, but by both Houses of Parliament.

'But in the present Case, whatever Money 'was ask'd by the Queen, or granted by the 'Commons, was not for the private Support of 'the Crown, but for the general Necessity of 'the People. So far is her Majesty from getting one Farthing by these Taxes, that it is 'very well known, she has every Year, of her 'own Accord, contributed very largely out of 'her own private Revenue, towards the War. 'They are given to carry on a War that is absolutely necessary for supporting the Rights 'and Liberties of *Europe*, which have been so 'notoriously invaded by the *French* King; and 'to keep out a Pretender to our own Crown, 'who is bred up in the Religion and Principles of 'that Prince; and I hope no Man ever has been, 'or ever will, be thought fit to represent his 'County in Parliament, who does not think this

'War

'War necessary for the Interest of every Subject 'of *England*, as well as of her Majesty.

'In the *second Place*, this Bill is so far from 'being thought for the Good of the Nation, by 'both Houses of Parliament, that one House 'had before, in two successive Sessions, thought 'fit to reject it.

'In the *third Place*, if both Houses had agreed 'to it, there is no Reason to conclude her Ma'jesty would have refus'd the Royal Assent; in 'which Case only, this Way of *Tacking* had ever 'been us'd.

'But tho' this Way of *Tacking* had been some'times practis'd, yet it is so far from being al'low'd to be the Right of the Commons to do it, 'that the Lords have always, before the passing 'any such Bill, (how agreeable soever the Mat'ter *Tack'd* might be to them) enter'd Protesta'tions upon their Books, against that manner 'of Proceeding. And when the House of Com'mons carry'd this pretended Right so far, as 'to offer at Tacking Clauses to Money-Bills, 'which the Lords did not think so reasonable 'to be pass'd, (tho' they never went so far as to '*Tack* any Thing the Lords had rejected before) 'the Lords, to preserve the Constitution, and 'that there might be a lasting Caution against 'all such Attempts, to ingross the whole Le'gislature to the House of Commons, at a Time 'when there was no such Matter depending 'between the two Houses, caus'd a solemn De'claration to be enter'd upon their Book, and 'which was sign'd by the greatest Part of 'em, 'that they would never after that Time, pass 'a Money-Bill with any Clauses that were fo'reign to the Subject of the Bill. And after

'such

Digitized by Google

' such a Declaration so publickly made, enter'd, ' and sign'd, the Commons could have no Design ' in *Tacking* such Clauses, but only to have the ' Bill miscarry.

But Mr. *Bromley* says, *That the great Necessity there was for the Land-Tax's passing, was rather an Argument for, than against this Proceeding. For what Danger could there be, that the Lords (who pretend to be such great Patriots) should rather lose the necessary Supplies, than pass a Bill so requisite for the Preservation of the Church?*

' How far this Bill had been for the Preser- ' vation of the Church, I have consider'd al- ' ready; and as for the Lords being such *great* ' *Patriots*, I wish some Members of the House ' of Commons have not given their Electors ' too much Cause to think the Lords better ' Patriots than their own Representatives. But ' notwithstanding that, no reasonable Man can ' believe they could ever have pass'd this Bill ' so *Tack'd*.

' The House of Lords, is an undoubted Part ' of the Legislature. That House, upon solemn ' Debates before, thought this Bill not fit to ' be pass'd; and if the Commons, notwithstand- ' ing that, could have forc'd them into passing ' this Bill, by this Method, they must never ' have pretended to have rejected any Bill ' more. We see by a thousand Instances, that ' such a Right once given up, is never to be ' retriev'd: And then they had not only parted ' with their Right of Debating for ever, but ' they had, by that, broken the *English* Consti- ' tution, and overthrown those fundamental ' Rights of Legislature, by which this Kingdom ' has flourish'd so long.

In

'In the *second Place*, they had fix'd an indelible Mark of Infamy upon their own Perſons, if they had ſuffer'd themſelves to be forc'd into the doing a Thing that, upon a ſolemn Deliberation they had reſolv'd, nay, moſt of them had proteſted under their Hands, they would never conſent to do.

But ſays Mr. *Bromley*, *if the Lords ſhould refuſe the Bill ſo Tack'd, Matters were not yet ſo bad; for it was but only proroguing the Parliament for a few Days, and the Commons might have paſs'd the Land-Tax Bill without the* Tack.

'I am very ſorry to ſee Gentlemen purſue a bad Cauſe, 'till they are reduc'd to ſuch wretched Evaſions as theſe. Tho' I think there were no Sort for *Tacking* this Bill, yet if it had been once *Tack'd*, there might have been ſeveral Reaſons for not receding from it. How little Pretence ſoever there may be for the Commons Rights of *Tacking*, yet there are ſeveral worthy Members who would not have car'd to have given thoſe Pretences entirely up; which muſt have been the Caſe, if they had departed from the *Tack*, after having once inſiſted upon it.

'Tis indeed ridiculous to imagine, that any one Man, who had voted for the *Tack*, would have given it up afterwards. However, if we could ſuppoſe a Houſe of Commons ſo Childiſh, yet there muſt neceſſarily, by Parliamentary Forms, have been ſo much Time loſt, and ſo great Delays in all publick Buſineſs, as would have been very near as fatal as the granting no Supplies at all.

'The Duke of *Savoy* was ſo preſs'd, that nothing but a conſtant Supply of Money from

'hence,

Digitized by Google

hence, and a firm Expectation of a ſudden Succour, could have made him ſupport the Cauſe with that Zeal and Bravery that he did. Any Stop of his Supplies from hence, any Fear of his early Succours, (both which our Delays muſt inevitably have occaſion'd) had forc'd him into a ſeparate Peace: And then the *French* Army in *Italy* had march'd immediately into *Germany*, and fallen upon the Confederate Forces there.

'The King of *Pruſſia* was newly and heartily enter'd into the League, and had agreed to ſend a conſiderable Body of Men to the Relief of the Duke of *Savoy*: But as they were firſt to receive Supplies from hence, what Hopes could there be of their marching without their Supplies, or indeed, of that Prince's continuing in the Confederacy, when that very Nation that had perſwaded him into it, was ſo little likely to ſupport him in it.

'*Portugal* had been ſo ſoften'd by a long Peace, that there were no Thoughts of their continuing the War, but by the Hopes of conſtant Succours from hence, and by the Succeſs we had met with at *Gibraltar*. This Town was thought ſo conſiderable by the *Spaniards*, that they had exerted their utmoſt Force againſt it. What a Damp the Loſs of that had put upon our Affairs, one may eaſily gueſs, by the Endeavours of the Enemy to regain it? And yet the Loſs of that important Place, muſt have been the neceſſary Conſequence of any Stop in our Supplies at Home.

'The Succeſs of the Confederate Forces ha
'been ſo great in *Bavaria*, that they had a
'greed to deliver up all their Garriſons t
'them. But what Likelihood was there
'their performing that Agreement, if they ha
'a Proſpect of a ſudden Succour from *Ital*
'Or how ſhould our Army have ſuppor
'themſelves without any Hopes of Suppli
'from hence?

'All the Confederates were then in Co
'ſultation how to carry on the War ne
'Year; and what Influence ſuch a Miſcarria
'here, would have had upon all their Proce
'ings, I almoſt tremble to think.

'The *French* King found ſuch Difficulties
'raiſing Supplies for the enſuing Campai
'that he was in a manner oblig'd to decla
'himſelf a Bankrupt. But ſuch an Encoura
'ment from hence, as the *Tack* had been, wou
'have ſet his Matters right again; and
'ſuch Vote from our Parliament, had ma
'him ſufficient Amends for all the Prejudi
'our Armies had done him.

I cannot conclude this Paper better, than wi
'the Words of her Majeſty's moſt Gracio
'Speech, at parting. *We have, by the Bleſſing*
God, a fair Proſpect of this great and deſire
End, (of a laſting Peace and Security) *if*
do not diſappoint it by our own unreaſonable
mours and Animoſity; the fatal Effects of which,
have ſo narrowly eſcap'd in this Seſſion, that
ought to be a ſufficient Warning againſt any
gerous Experiment for the future.

The foregoing Paper had ſuch an Influenc
on the ſucceeding Elections, for which Writ
wer

Digitized by Google

were issu'd out soon after the Removal of the Earl of *Nottingham*, Sir *Edward Seymour*, &c. that were great Promoters of the Bill above-mention'd, that the major Part of them went in favour of the *Low-Church-Men*, notwithstanding a very celebrated Piece, call'd *The Memorial of the Church of* England, said to be written by Mr. *Pooley* and Dr. *Drake*, appear'd in Opposition to it. And the Lord *Halifax*, by this Turn of Affairs, was recall'd to his former Seat in Council; after which, his Lordship attended the QUEEN from *New market* to *Cambridge*, where her Majesty, by her special Grace, caus'd him to be admitted Doctor in Laws, with several others of the prime Nobility and Gentry, whom she was pleas'd to distinguish after the same manner.

In Pursuance of the Elections aforesaid, the new Parliament met on the 6th of *September* 1705, when her Majesty, amongst other Expressions of her Royal Will and Pleasure to them, thought fit, with Reference to the *Church of* England's *Memorial*, wherein were several invidious Reflections on herself and the new Ministry, to tell them, *That she could not but with Grief observe there were some amongst them, who endeavour'd to foment Animosities; but that she perswaded herself they would be found to be very few, when they appear'd to assist her in discountenancing and defeating such Practices.* She likewise told 'em, *That she mention'd that with a little more Warmth, because there had not been wanting some so very malicious, as even in Print to suggest the Church of* England, *as by Law establish'd, to be in Danger at that Time*, &c.

Whereupon, after the House of Peers had presented their Address of Thanks to the Queen, for her Gracious Speech from the Throne, as usual, and enter'd upon Affairs that were previous to the Debates upon that Head, the Lord *Halifax* made the Motion, in order to remove all unreasonable Jealousies, and ill-grounded Fears, for a Day to be appointed to enquire into the Church's pretended Danger. In Answer to which, the 6th of *December* following was appointed; when the Queen being in the House, the Earl of *Rochester* open'd the Debate, and told their Lordships, *That the Subject Matter of it, was of so tender a Nature, that it was difficult to speak to it; for her Majesty had expressed herself so conclusively in her Speech, that it seem'd to be in Contradiction to the Queen, to* speak freely; *but in Regard that the Ministers might be suppos'd to compose the Speeches,* he desir'd, *that what he said might not be offensive to her Majesty, to whom he had all the Affection and Respect that could be.* He added, *That Ministers might mistake, and not always act for the publick Good*; and instanc'd, *in the Ministry of* Portugal, *where the King was our Friend, the Ministry seeming to be otherwise, insomuch that that Alliance was no Benefit to us. That the Duke of* Buckingham, *and Arch-Bishop* Laud, *were heartily in the Interest of King* Charles I. *and did many Things that very much injur'd him. The full Expressions in the Queen's Speech,* he compar'd *to the Law in King* Charles II's *Time, to make it Treason to call the King a* Papist, *for which very Reason he always thought him so.* The Reasons he gave for the Fear of the Church's Danger, arose from these three Causes. First, *The Act of Security in* Scotland. Secondly, *The Heir of the House of* Hanover *not being sent for over.*

Thirdly

Digitized by Google

Thirdly, *The not passing the Occasional-Bill.* Upon the *first* he said, *The Presbyterian Church in* Scotland *was fully* established, *without a* Toleration. *That to Arm the People, was to give them a Power to invade* England; *whereby they had a powerful Party for their Friends, who never wanted the Will to destroy the Church.* 2. That he thought, *the Heir to the Crown, ought to be present among us, in order to be fully acquainted with us, and our Constitution, and thereby enabled to prevent any evil Designs upon the Church and State: And,* 3. *That the* Occasional Bill *was in it self so reasonable, and the Church's Request in it so small, that the Industry for opposing it, gave the greater Grounds for its Suspicion.* When that Noble Lord had ended, the House sate still, and was silent near a quarter of an Hour, expecting some Body would second him; but no Body else speaking on that Side, the Lord *Halifax* stood up, and said, 'That he having mov'd for that Day's 'Debate, it might be expected that he should 'speak to it." He therefore told the House, 'That the Act of Security in *Scotland*, was a 'National Thing, wholly foreign to Church-'Affairs. That it was pass'd only to prevent 'immediate War, which the *Scots* seem'd to 'have resolv'd upon. That in Case it should 'ever be made use of, it would be but as 'other Wars with that Nation had been in 'former Days, wherein *England* was always 'able to defend it self, and would be sure here-'after, to be more able to do it, insomuch as the 'Strength of *England* was increas'd much more 'than that of *Scotland*; so that unless *France* 'should come into the Quarrel, whose Hands 'were already too full, it would signify little. 'But that, blessed be God, Things were so well

'com-

Digitized by Google

'comprimis'd with the *Scots*, and their former 'Heats ſo much abated, that there was no Rea'ſon for fearing an amicable Iſſue of that Dif'ference. As to the Houſe of *Hanover*, *he ſaid*, 'that was a Danger but of eight Days ſtand'ing, for he durſt ſay a Fortnight ago, no 'Body made the Abſence of the Princeſs *So'phia*, a Danger to the Church. And as for 'her Abſence upon the Queen's Death, that 'was now ſo well to be provided for, by the 'Acts for Lords-Juſtices, that he thought no 'Evil could poſſibly happen to the Church be'fore her Arrival. That he wonder'd the Houſe 'of *Hanover* ſhould be now eſteem'd ſuch a 'Security to the Church, whereas, when the 'Laws were made for the Security of that 'Succeſſion, it was generally reckon'd a Hard'ſhip upon the Church; and a Clergy-man, in 'Company of Convocation-Men, had openly 'call'd her an unbaptiz'd *Lutheran*; the Truth 'of which he could prove. As to the Occa'ſional-Bill, *he ſaid*, that Matter had been 'canvaſs'd already; and it was then the Opi'nion of that Houſe, that it would not prove 'of any Advantage and Security to the Church; 'but rather on the contrary, that upon the 'Whole, there had been Times in their Me'mory, wherein the Church might be ſaid to 'be in Danger. King *Charles* II was a *Roman 'Catholick*, at leaſt his Brother thought fit to 'declare it after his Death, and the Succeſſor; 'who was known to have the Management of 'Affairs during that eaſy Prince's Life, was 'known to be ſuch, and yet the Church thought 'herſelf then ſecure; and thoſe Patriots who 'ſtood up in its Defence, and endeavour'd to

'prevent

Digitized by Google

'prevent the Evils which might enſue from 'a *Popiſh Succeſſion*, were diſcountenanc'd, and 'puniſh'd. Nay, when that Succeſſor came to 'the Throne, and the Church was very appa- 'rently in the greateſt Danger, by the High- 'Commiſſion Court and, otherwiſe, we were 'then indeed generally alarm'd; but we know 'who ſate in that Court, and went large Steps 'in the Work then on Foot. That ſoon af- 'ter the Acceſſion of King *William* to the Crown, 'the Cry of the Church's Danger began, and 'was continu'd all his Reign; but on what 'Grounds, he could not know. That upon her 'Majeſty's happy Succeſſion, the Complaint 'had no Vent given to it for ſome Time, 'but that when ſhe was pleas'd to make ſome 'Alterations, it was immediately reviv'd, grew 'clamorous, and had ever ſince continu'd ſo. 'And then his Lordſhip concluded, That he 'was of Opinion, *That the Church was then in* 'no manner of Danger.

In Anſwer to this, the Biſhop of *London*, Duke of *Leeds*, Arch-biſhop of *York*, *&c.* brought Arguments to evince the contrary, and the Debates ran high on both Sides, when the Lord *Halifax* recapitulating all that had been ſaid for and againſt the Church's Danger, added his own Judgment once more, and ended with a Declaration, 'That the Nation was happy under a 'moſt juſt and wiſe Adminiſtration, wherein 'the publick Money was faithfully apply'd, the 'Treaſury kept in a moſt regular Method, and 'thereby the publick Credit rais'd to the higheſt 'Eſteem. That the Armies and Fleets were 'plentifully ſupply'd, and the Succeſs of her 'Majeſty's Arms, gave the whole World a more

'aſtoniſhing

Digitized by Google

'aſtoniſhing Idea of the Honour and Reputation 'of the *Engliſh* Nation, than had been known; 'and that we had a fair Proſpect of bringing the 'War to a happy Concluſion, to the immortal 'Glory of the preſent Age, and the inexpreſſible 'Benefit and Safety of Poſterity; wherefore 'Men, by raiſing groundleſs Jealouſies, at that 'Time of Day, could mean no leſs, than an At-'tempt to embroil us at Home, and to defeat all 'our glorious Deſigns Abroad.

The Debate being thus clos'd, his Lordſhip mov'd for putting the Queſtion, *Whether the Church of* England *was in Danger under her Majeſty's Adminiſtration?* And it being put accordingly, upon a Diviſion, it was carry'd in the Negative, by a Majority of 61 Voices againſt 30; and then the Houſe of Peers came to the following Reſolution. Reſolv'd, *by the Lords Spiritual and Temporal in Parliament aſſembled, That the Church of* England, *as by Law eſtabliſh'd, which was reſcu'd from the extreameſt Danger by King* William III, *of glorious Memory, is now, by God's Bleſſing, under the happy Reign of her Majeſty, in a moſt ſafe and flouriſhing Condition; and that whoever goes about to ſuggeſt and inſinuate, that the Church is in Danger under her Majeſty's Adminiſtration, is an Enemy to the Queen, the Church, and the Kingdom.* *N. B.* 26 Peers enter'd their Proteſt in the Journals of the Houſe, againſt the foregoing Reſolution, but that was amply made Amends for, by his Lordſhip's Intereſt with the Commons, which prevail'd with that Houſe to join with them in an Addreſs to her Majeſty, wherein it was inſerted, Word for Word.

Having

Digitized by Google

Having thus discharg'd my self of reciting what chiefly concern'd his Lordship in this memorable Session of Parliament, in the Year 1705, it behoves me to proceed to the Passages of this important Life, *Anno* 1706, a Year remarkable for the Conclusion of the Union between the two Kingdoms of *England* and *Scotland*, which was brought about with great Difficulty, and not without many useful Expedients, wholly owing to the Lord *Halifax*, one of the Commissioners, who first projected the *Equivalent*; without which, that happy Agreement between both Nations, had never been accomplish'd. Her Majesty, in her Speech to both Houses at the opening of the Session, had told them, among other Particulars which she was graciously pleas'd to lay before them, 'That in Pursuance of the Powers 'vested in her by Act of Parliament, both in '*England* and *Scotland*, she had appointed Commissioners to treat of an Union between the two 'Kingdoms; and that this was a Work of such 'a Nature as could not but be attended with 'great Difficulties; yet such had been the Application of the Commissioners, that they had 'concluded a Treaty, which was at that Time 'before the Parliament of *Scotland*; and she 'hop'd the mutual Advantages of an entire Union of the two Kingdoms, would be found so apparent, that it would not be long before she 'should have an Opportunity of acquainting 'them with the Success which it had met with 'there.' Hereupon the Earl of *Nottingham* said, *That the Union of the two Kingdoms of* England *and* Scotland, *was a Matter of the highest Importance, and a Work of so much Difficulty, that all the Attempts that had been towards it in the last Century, had prov'd*

Digitized by Google

ineffectual: That the Parliament of Scotland *having thought fit to secure the Presbyterian Church in that Kingdom, it became the Wisdom of the Parliament of* England, *to provide betimes against the Dangers with which the Church by Law establish'd was threaten'd, in Case the Union was accomplish'd.* And therefore *he mov'd, that an Address should be presented to her Majesty, humbly desiring that the Proceedings both of the Commissioners for the Treaty of Union, and of the Parliament of* Scotland, *relating to that Matter, might be laid before the House of Peers*; and was seconded by the Earl of *Rochester*, and Duke of *Buckinghamshire*. But the Lord High Treasurer (the Earl of *Godolphin*) declar'd, 'That the 'said Affair was not then ripe enough for them 'to debate upon, and that they needed not to 'doubt, but that her Majesty would communi-'cate to the Parliament of *England*, all the Proce-'dings about the Union, as soon as that of *Scot-'land* should have gone through with it.' Upon which, the Lord *Halifax* wisely observ'd, *That there was no Question to be made, but that the House would concur with any reasonable Methods that should be propos'd by the first of those Peers, for the Security of the establish'd Church of* England, *at a proper Season*; and said, *That it was an Honour to the* English *Nation, for the Treaty of Union to come ratify'd from the Parliament of* Scotland; *and that then, and not before, it was most advisable to take the same into Consideration.* Nor did this Observation of his Lordship, come short of its wonted Weight and Influence on a Majority of that August House; wherefore the other Party finding themselves too weak to carry the Question, the Earl of *Nottingham's* Motion was dropt.

When

Digitized by Google

When, ſome Time after the Riſing of the Parliament of *Scotland*, who had gone through, and agreed upon the Articles of Union, her Majeſty was graciouſly pleas'd to communicate Copies of them to both Houſes of Parliament; and that of the Lords took them into Conſideration on a Day appointed for that Purpoſe: And, after the ſix firſt Articles had been read and approv'd, notwithſtanding ſeveral Objections (and thoſe of great Weight too) made to them by the Earls of *Nottingham*, *Angleſea*, and *Rocheſter*, the Lord *North* and *Grey* obſerv'd, with Relation to the ninth, 'The ſmall and unequal Proportion *Scot-*
'*land*, was to pay to the Land-Tax, intimating
'that *Wales*, which was as poor a Country every
'whit as that, and of a much leſs Extent, pay'd to
'the full as much again, and yet ſent not much
'more than half the Number of Repreſentatives
'in Parliament, which were granted to *Scotland*;
'and for that Reaſon his Lordſhip ſaid he could
'not agree to that Article. Hereupon, the Lord
'*Halifax*, with his wonted Readineſs of Thought,
'reply'd,' *That the Number of Repreſentatives was no Rule to go by, ſince there was the County of* Cornwall *in* England, *that pay'd not near ſo much towards the Land-Tax, as that of* Glouceſter, *and yet ſent almoſt five times as many Members to Parliament as the latter did. That it was very true, the Quota of* Scotland *was very ſmall and unequal, in Compariſon to what was pay'd in* England; *but that the* Engliſh *Commiſſioners could not induce the* Scotch *ones to agree to any more, upon Account of ſeveral Impoſſibilities on their Side. That the* Engliſh *could not expect to reap the like Advantages of every Article of the Treaty; and that if they had the better of ſome few, we were infinitely recompens'd by the many Advantages which did*

Digitized by Google

accrue to us from the whole. The Conſequence of which Speech, was, on the Diviſion of the Houſe upon the ſaid Articles, that there were 70 content with it, againſt 23 not content.

The next Debate happen'd to be on the fifteenth Article, at which, the Earl of *Nottingham* obſerv'd, 'It conſiſted in two Parts, *viz.* a cer-'tain Grant of Money, and the Application 'thereof; *in Reference to which he ſaid,* that it 'was highly unreaſonable that the *Scotch*, who 'were by the Treaty let into all the Branches of 'our Trade, and paid ſo little towards the Sup-'port of the Government, and of a moſt expen-'ſive War, ſhould moreover have an Equivalent 'of 398085 *l.* given them for coming into that 'Treaty.' He inſiſted much upon that Argument, and took Notice as to the Diſpoſal of that Equivalent, 'That the Part of it which 'was to be given to the *Darien* Company, 'might be ſwallow'd up by a few Perſons, 'without any particular Regard to the indem-'nifying every private Trader in that un-'happy Enterprize.' To this, the Lord *Halifax* anſwer'd again, *That that* Equivalent *could not be look'd upon as a* Gift, *but as an equal* Purchaſe *of the* Scotch Revenue *and* Cuſtoms, *which by this Union were to be app'y'd to the Payment of the Debts of* England; *and that they were no more Gainers by it, than we were here by the Sale of* Annuities *at* 15 *or* 16 *Years Purchaſe; that as to the Diſpoſal of the Money, it being their own, it was but reaſonable they ſhould have the Liberty of applying the ſame, as they thought moſt convenient, the* Engliſh *Commiſſioners being no ways concern'd therein; whoſe Care, nevertheleſs, and great Prudence had been ſuch, that they made Proviſion it ſhould not be diſpos'd of, but by certain Commiſſioners,*

Digitized by Google

ners, who ſhould be accountable to the Parliament of Great Britain *for the ſame.*

His Lordſhip likewiſe ſpoke in favour of the other ten Articles, there being 25 in Number, as Occaſion offer'd, with that Perſpecuity and Judgment, as caus'd the Debate to turn on that Side which he favour'd; ſo that as his Lordſhip had the Honour to be the Perſon that mov'd for appointing Commiſſioners to treat of an Union between the two Kingdoms, ſo he not only had a great Share in bringing that Treaty to a happy Iſſue, as one of thoſe Commiſſioners, but in cauſing it to be ratify'd in Parliament.

Nor was his Lordſhip leſs in the Eſteem of her Majeſty, than of his fellow Peers, who pay'd a great Deference to his Judgment, by giving into it; for when the Bill *for the Naturalization of the Illuſtrious Houſe of* Hanover, *and for the better Security of the Succeſſion of the Crown in the Proteſtant Line*, was paſs'd into an Act, his Lordſhip was made Choice of, as the fitteſt Noble Man, to carry that Act, with the Enſigns of the moſt noble Order of the Garter, to the Electoral Prince, to the Reſidence of the Elector of *Brunſwick*, in his Capital, where he was receiv'd not only with the uſual Ceremonies that are pay'd to a foreign Miniſter, but with many extraordinary Marks of Diſtinction and Honour.

He was welcom'd at *Diepeneau* (a Town on the Frontiers of the Elector's Territories) by the Governor of the Place, and afterwards very nobly treated by his Highneſs's Officers, who had been ſent thither for that Purpoſe. The next Day his Lordſhip was met by Sir *Rowland Gwyn*, Chamberlain to the Electoreſs Dowager, with a Compliment from her Electoral Highneſs, and found a very

Digitized by Google

very ſplendid Entertainment prepar'd for him by the Elector's Officers. His Lordſhip arriv'd late in the Evening at *Hanover*, and was conducted to a Palace magnificently fitted up for his Reception. After which, Baron *Grote*, the late Envoy to *Sweden*, and Mr. *Schuts*, Son to the Elector's Envoy in *England*, acquainted him, that they had been appointed by the Elector to attend his Lordſhip, and do the Honours of his Highneſs's Houſe and Table during his Stay at that Court. The firſt of them being Gentleman of the Bed-Chamber to the Elector, and the other chief Equerry to his Highneſs. On the Day following his Lordſhip had his Audiences with the uſual Ceremonies, excepting only that the Elector had order'd ſix of his Coaches, inſtead of three, (which was the accuſtom'd Number) to attend upon him, and the Drum of the Court-Guard to beat as his Lordſhip paſs'd by. Baron *Gurits*, Preſident of the Chamber, and Grand Marſhal, receiv'd his Lordſhip at the Head of the Stairs, and thence conducted him to the ſeveral Appartments of the Princeſs *Sophia*, the Elector, the Electoral Prince, and the Electoral Princeſs. There was an extraordinary Appearance of Nobility on this Occaſion, and Tables prepar'd for the Ladies that were invited to the Solemnity. The Dinner was ſerv'd in the ſame Manner as when a Prince din'd with the Elector, the Trumpets and Kettle-Drums ſounding at their going to Table. And after Dinner, his Lordſhip had his Audience of the Princeſs, and Duke *Erneſt*, the Elector's Brother. There were likewiſe other Particulars that diſtinguiſh'd the Manner of his Lordſhip's Reception at that Court. Two of the Elector's Pages, and four Coaches, were appointed to wait on his Lordſhip,

Digitized by Google

Lordſhip, and a Party of Foot-Guards to attend conſtantly before his Houſe. It was alſo to be obſerv'd, that the Elector, Electoreſs, with the whole Electoral-Family, took all Occaſions of ſhewing their entire Satisfaction with the Commiſſion with which his Lordſhip was entruſted, and with the Choice her Majeſty had made of his Lordſhip, to repreſent to them her Friendſhip and Eſteem for that Illuſtrious Houſe; and likewiſe of expreſſing their Affection for the *Engliſh* Nation, with their grateful Acknowledgments for what the Queen and Parliament had done towards the ſecuring the Succeſſion of their Family to the Imperial Crown of *Great Britain*. The Ceremony of inveſting the Electoral Prince with the Order of the Garter, was perform'd by Capt. *Vanbrug*, (now Sir *John*) *Clarencieux*, King at Arms, with the uſual Solemnity. Not many Days after which, the Prince-Royal of *Pruſſia*, who was marry'd to the Electoral Princeſs during the Lord *Halifax*'s Reſidence at that Court, ſet out with his Lordſhip for the Confederate Army, tho' not before his Lordſhip had receiv'd very grateful Teſtimonies of the Elector's, Electoreſs's, and the Electoral Prince's Senſe of the Service he had done them, by being the Bearer of ſo welcome a Meſſage, in Preſents of an ineſtimable Value. From the Army, his Lordſhip went to the *Hague*, where he laid the Foundation of a ſtricter Alliance between *Great Britain* and the United Provinces, for the better ſecuring of the *Britiſh* Crown to the afore-mention'd Illuſtrious Houſe.

While his Lordſhip was in *Holland*, he took Occaſion to viſit the City of *Amſterdam*, where he receiv'd uncommon Civilities from the Magiſtrates,

Digitized by Google

ſtrates, and all ſorts of People. Amongſt the reſt, the *Portugueſe Jews* invited him to their Synagogue, where they ſeated his Lordſhip in a moſt honourable Place; and to ſhew their great Reſpect for him, and their good Wiſhes for the Glory and Succeſs of her Majeſty's Arms, they made a Prayer for her Majeſty in *Hebrew*, which they preſented to him in *Latin*, and was thus *Engliſh'd* by himſelf:

'May he whoſe Kingdom is everlaſting, and 'whoſe Power is without Bounds, who gives Au'thority and Victory to Princes, who preſerv'd '*David* his Servant from the Sword of his Enemies, 'who made his Way thro' Tempeſts, and ſtormy 'Waters, bleſs, preſerve, defend, aſſiſt, and exalt 'to Heaven her ſacred Royal Majeſty *ANNE*, 'Queen of *Great Britain*. May the merciful 'King of Kings bleſs her, and defend her from 'all Troubles, Perils, and Adverſities; may the 'Almighty, out of his infinite Mercy, bleſs her 'Armies with Succeſs, and prolong her Reign; 'may the King of Kings inſpire her and her Mi'niſters with Mercy and moſt tender Diſpoſitions, 'that they may be indulgent to us and our Bre'thren; and that in her Life and our Time, Salva'tion may appear to the *Jews*, and that *Iſrael* may 'be in Peace upon the coming of our bleſſed 'Redeemer. Let the Will of God be ſuch, and 'let us all ſay, *Amen*.

Few Things that bore a particular Relation to the Lord *Halifax*, happen'd in the Tranſactions of the Year 1707; only that in the enſuing Seſſion of Parliament, when a Debate grew hot in a Committee that had under Con-

Digitized by Google

Consideration the State of our National Affairs, and the Lord *Haversham* had spoken very loudly of our ill Conduct at Sea, in not protecting the Merchants; his Lordship, to allay their Heats, by proposing Ways and Means to retrieve our Losses by Sea, mov'd, that a Committee might be appointed to receive Proposals for encouraging of Trade in the *West-Indies*, which was carry'd in the Affirmitive, and had such an Effect, as to be productive of very good Consequences; so that the Merchant, by being enabled to make Reprisals, was at Ease, and the Animosities conceiv'd against the Court-Party on that Subject, were perfectly quieted. Another material Occurrence likewise fell out during this Session of Parliament: The Right Honourable *Peregrine*, Lord Marques of *Caermarthen*, (now Duke of *Leeds*) had brought a Cause depending between him and the Lord *Halifax*, by Writ of Error, into the House of Peers: The former was Plaintiff, under Pretence of a Grant made him of the Auditor of the Exchequer's Place, after the Death of Sir *Robert Howard*, the Lord *Halifax* his Predecessor; but such was the Defendant's Right and Interest, as to make that wise Assembly determine in his Favour, and to confirm him in the Possession of a Post which he had so highly merited by the most approv'd Conduct.

The next memorable Consultation in Parliament, wherein his Lordship had a Share, was that concerning the Earl of *Peterborough*, at his Return into *England* from *Catalonia*, where he had not only taken the Capital, with the whole Province, and the greatest Part, of *Valentia*, &c. but had reliev'd *Barcelona*, when besieg'd by the Enemy with a very formidable Army, &c. It had

Digitized by Google

been customary, at the Return of the Duke of *Marlborough* from finishing most of his Campaigns, which, for the Generality, ended very gloriously, to give him the Thanks of the House of Peers; but the preceding Summer having been chiefly spent by him in Negociations Abroad, which, tho' they pav'd the Way for succeeding Victories, being not esteem'd according to the Value that ought to have been put on them, were thought not deserving enough of the publick Acknowledgments of that August Assembly. It was therefore propos'd by those who bore his Grace no good Will, and had Intentions to mortify him, by setting up a Competitor in Military Atchievements, to give the General in *Spain* the Thanks of the House at that same Time as the chief Commander in *Flanders* went without them; and my Lord of *Rochester* having commended the Earl of *Peterborough*'s Courage and surprizing Successes, and ennumerated his Services, said, 'It 'had been a Custom, that when a Person of his 'Rank, that had been employ'd Abroad in so 'eminent a Post, return'd Home, he had either 'Thanks given him, or was call'd to an Account; 'urging, that the same might be done in Relation to the Earl of *Peterborough*.' Whereupon the Lord *Halifax*, who spoke next, enlarg'd likewise on the Earl of *Peterborough*'s Services, but dexterously put off the returning him Thanks, *'till the whole Tenor of his Conduct had been examin'd; than which, he understood the Earl himself to have nothing more at Heart, since it would more redound to his Lordship's Honour to have those Thanks given him after mature Deliberation, and a due Survey of each glorious Circumstance of his Behaviour, than to act precipitately, and make*

a Tender

Digitized by Google

a Tender of them, without giving themſelves the Satiſfaction of looking into the Particulars. This being agreed to by the Houſe, the Reſult of the ſaid Examination, after ſeveral Sittings, ended in their allowing his Lordſhip's Conduct to be altogether blameleſs; notwithſtanding which, ſuch was the Management of the Lord *Halifax*, in Favour of the Duke of *Marlborough*, who would otherwiſe have reſented the Refuſal of them to himſelf, that, tho' the Earl of *Peterborough*'s Friends labour'd very hard to obtain the Thanks of the Houſe for that noble Peer, all the Intereſt they had, was not ſufficient to gain that Point.

The Lord *Halifax* was likewiſe, during this Seſſion of Parliament for the Year 1707, very inſtrumental (in Purſuit of the Motion he made at the Beginning of it, for a Committee to be appointed for that End) in redreſſing the Grievances of the Merchants, and procur'd Commodore *Kerr*, a very corrupt Officer, and Commander of a Squadron of Ships in the *Weſt-Indies*, to be diſmiſs'd the Service for arbitrary and unjuſtifiable Practices; and alſo defeated the Deſigns of ſuch as were againſt the Bill *for rendering the Union of the two Kingdoms more compleat and entire*; whereby it was enacted, 'That from the firſt of *May* 1708, 'there ſhould be but one *Privy-Council* in the 'Kingdom of *Great Britain*,' by oppoſing the Arguments of the Lords *Rocheſter* and *Nottingham*, who repreſented *the additional Hardſhips and Slights that were put upon that Part of the United Kingdom call'd* Scotland, *by ſo ſudden a Diſpoſition*, and mov'd, *That it might be continu'd at leaſt 'till the Month of* October *following*, with ſuch ſolid and well-grounded Reaſons, that the Queſtion being

Digitized by Google

put whether their Lordships should agree to the Clause above-mention'd, it pass'd in the Affirmative by a considerable Majority of Voices.

The Year 1708 being as little fruitful of Events relating to his Lordship, the Memoirs of whose Life are now in Hand, as the former; we find only, that when the Lord *Haversham*, at the Sitting of the new Parliament, had inveigh'd against the Ministry, as usual, in a Display of the ill State of the Fortifications in *Scotland*, and the Dangers that Part of the United Kingdom was subjected to from the Invasion of the Pretender, which rather miscarry'd by Providence, than any human Precaution and Foresight, the Lord *Halifax* stood up, and ask'd Leave of the House, to acquaint them, that the noble Lord who spoke last, had of late Days been so possess'd with Fears and Jealousies, that he question'd whether his Lordship could account for them, it being his particular Infelicity to lay before that House his Apprehensions of Dangers, when they were blown over, and entirely vanish'd. To this, he added, *That he had a great Esteem for his Lordship, as a Person that had been early in the Revolution, and had distinguish'd himself by readily giving into the Measures of it; but that he could not but observe, that since his Lordship had been out of Employment at Court, and had thereupon been piqu'd at by some Great Men in the Administration, he had attributed all our Successes to Chance, and not to good Management; when at the same Time a Fleet had been equipp'd and put to Sea in his Time, to the Confusion and Disappointment of the Nation's Enemies, by the Care and Conduct of his late Royal Highness, (who was scarce cold in his Grave) than ever was known during his Lordship's Presence at*

Digitized by Google

at the Admiralty-Board; which, in Justice to the deceas'd Prince, and in Duty to her Majesty, who had such a tender Regard for his Memory, he ought rather to have acknowledg'd, than have purposely omitted. By which Means, all the long Detail of a prolix Account of the small Number of Men and Arms, and Stores of Ammunition and Provision, in the several Castles, that could not be attempted, without beating that Fleet, came to nothing; and his Lordship, whom the Lord *Halifax* reply'd to, found he had made a Speech that was receiv'd full as well as it deserv'd, since it was follow'd by a Resolution in Favour of those that sate at the Helm of Government.

The next Debate, wherein his Lordship *(viz. Halifax)* signaliz'd his Dexterity in the Management of Parliamentary Controverfies, was in that about the Bill *for the Naturalization of foreign Protestants*, which was brought up from the Commons, for the House of Peers Concurrence. The Substance of the Earl of *Rochester*'s Argument against it, was, 1. 'That the Conflux of Aliens, 'which would probably be the Effect of such a 'Law, might prove dangerous to the Constitu-'tion; for these would owe Allegiance to their 'respective Princes, and retain a Fondness to 'their native Countries; and therefore whenso-'ever a War should break out, might prove so 'many Spies and Enemies. Besides, under this 'Pretence, the propos'd Enemies of the esta-'blish'd Church and Religion, might flock over, 'with Design to effect their Overthrow. 2. 'That a general Naturalization might undoubt-'edly spread an universal Disgust and Jealousy 'throughout the Nation, particularly in those 'Cities and Towns that were Places of Manufa-'cture,

Digitized by Google

'ture, there having been many Complaints
'and Commotions in *London*, and elſewhere, on
'Occaſion of Foreigners. 3. That the Deſign
'of inviting Multitudes of Aliens to ſettle in
'*Great Britain*, might prove, in Time, a farther
'Miſchief; for they would not only be capable
'of voting at Elections, but alſo of being cho-
'ſen Members of Parliament; have Admiſſion
'into Places of Truſt and Authority, which,
'in Proceſs of Time, might endanger our an-
'cient Policy and Government; and, by frequent
'Intermarriages, go a great Way to blot out
'and extinguiſh the *Engliſh* Race. 4. That an-
'ciently, *Naturalizations* by Act of Parliament,
'were ſeldom or never made, but upon ſpecial
'Reaſons and particular Occaſions. And tho'
'ſome Acts had given Encouragement to foreign
'Merchants and Weavers, to ſettle in *Great*
'*Britain*, it was when the Weaving-Trade, and
'other Manufactures, were inconſiderable to the
'Advancements they had ſince attain'd. Be-
'ſides, from the Sentiments of the great Cuſtoms
'in *Edward* I's Time, in all Acts of Parlia-
'ment for Subſidies ſince paſs'd, Aliens had
'always been charg'd with an Increaſe of
'Cuſtoms above Natives, and a Diſcrimination
'kept up between them, as was particularly
'remark'd by the Learned Chief Juſtice *Hale*,
'in a Tract againſt a general Naturalization.
'5. That it was more than probable, that the
'greateſt Number that would come over, would
'be of poor People, which would be of fatal
'Conſequence with Reſpect to the many poor
'induſtrious Families, who would be reduc'd to
'the utmoſt Streights thereby, it being evident,
'that no Hands were wanted to carry on our
'Manu-

Digitized by Google

Manufactures, from the great Quantities that lay on Hand, their Cheapneſs, and the Lowneſs of Wages now given. What then, *ſaid his Lordſhip*, would be the Effect of ſuch an Addition? for theſe Aliens would altogether ſettle in Places of Manufacture, there being no Inſtances of any of the late Refugees betaking themſelves to the Spade, Plough, or Flail. *He likewiſe added to this*, 'That it would be a great Charge to thoſe Pariſhes wherein they would ſettle, there being now great Numbers of *French*, who, for want of Work, were reliev'd, and in great Meaſure maintain'd, by the Queen's Bounty, and Charity of their Churches, and other well-diſpos'd Perſons, who, when naturaliz'd, would have Recourſe to their own reſpective Pariſhes for an Allowance. 6. *That a general Naturalization* would, in Effect, defeat the Patent of the Act of Navigation, which had always been eſteem'd to conduce to the Intereſt of the Nation, by the Encouragement and Increaſe of *Engliſh* Mariners, and Advance of Trade. 7. That thereby, in Proceſs of Time, Aliens would be advanc'd in Riches, and her Majeſty's Subjects impoveriſh'd; for thoſe beneficial Trades of buying and ſelling by Commiſſion, Remittances and Exchanges of Money, would, in great Meaſure, be engroſs'd by Foreigners, by Reaſon of their many Friends and Relations Abroad. Beſides, ſuch Aliens generally living in Lodgings, and at little Charge, frequently eſcaping publick Taxes and Pariſh-Duties, would be able to underſell and undermine the native Merchants. 8. That thereby the Treaſure of the Nation would be exhauſted, and remitted into foreign

'Parts:

Digitized by Google

'Parts: For it might well be ſuppos'd that 'thoſe Aliens that had valuable Eſtates, could not 'or would not, tranſport the greateſt Part there-'of into *Britain*; and leaving Children and their 'neareſt Relations behind them, they would 'come into her Majeſty's Kingdoms only upon 'a Deſign of getting Riches, and to return Home 'therewith, particularly upon a Proſpect of War: 'An Inſtance of which, we had in the Practice 'of our Merchants, who, when they had got 'Eſtates Abroad, conſtantly return'd Home to 'enjoy the ſame. 9. That the Queen's Cuſtoms 'would thereby be conſiderably diminiſh'd; for 'many Statutes which lay a greater Duty on 'Aliens, than on Natives, would, as to this, be 'repeal'd. 10. That Opportunity would there-'by be given to Merchants to colour the Goods 'and Merchandizes of other Strangers beyond 'Sea, their Correſpondent's Friends or Relations, 'either in Friendſhip, to the great Detriment of 'her Majeſty's Cuſtoms, and Trade of the native 'Subjects: A Practice which was offer'd to be 'prov'd before their late Majeſties and the Lords 'of the Treaſury: Which Reaſons did influence 'the Judgments of our Anceſtors, as appear'd by 'the Statutes of 1 *Hen.* 7. c. 11. 2 *Hen.* c. 14. '22 *Hen.* 8. c. 8. 11. That the Duties of Pac-'kage and Scavage of the Goods of all Mer-'chants, as well Denizens as Aliens, were 'the indiſpenſible Right and Inheritance of 'the Commonalty of the City of *London*, '(as ſet forth in their Petition) let to Farm by 'Leaſe (wherein were about eighteen Years to 'come) for a Fine of 1000 *l.* and the yearly Rent 'of 959 *l.* and, among other Things, were by 'Act of Parliament charg'd towards the raiſing

'of

Digitized by Google

'of 8000 *l.* *per Annum* for ever to the Orphans,
'and other Creditors of the said City; which
'Duties would be wholly lost, to its great Pre-
'judice, and would render the Citizens incapa-
'ble to support the Government of the same.
'12. And in the last Place, That the Nation be-
'ing then engag'd in an expensive, tho' neces-
'sary War, Taxes high, Trade obstructed, great
'Quantities of Woollen and other Manufactures,
'lay unsold. And as the Effect thereof, the
'several Prices of making them, being very
'small, many Families were destitute of Work
'throughout the Kingdom. What then, at such
'a Time as that was, could be the Consequence
'of inviting thither, by *a General Naturalizati-*
'*on*, Multitudes of poor Foreigners, who would
'only employ themselves in Trade and other-
'wise?

His Lordship ended with this Question, and was answer'd, however specious the foregoing Arguments were, by the Lord *Halifax*, who observ'd the Popularity and Captiousness of them, and alledg'd, *That (as the Preamble of the Bill set it forth)* the Increase of People, was the Means of advancing the Wealth of a Nation; *Which Fundamental of sound Politicks, was abundantly verify'd, not only in* Prussia, Holland, *and other Protestant Countries, that had vastly increas'd in Riches by the* French *Refugees settling there; but principally in* Great Britain, *where, by the Industry of the said Refugees, several new Manufactures had been set up, and others improv'd, to the great Advancement of Trade, and the total turning the Ballance thereof, to the Prejudice of* France, *and Benefit of the* British *Nation. That besides the Improvement of Commerce, the* French *Refugees had greatly contributed towards*

Digitized by Google

the Support of the Revolution-Settlement, by putting the best Part of their own Substance, and of their Friends and Relations Abroad, into the Publick Funds; (of which, they had a fresh Instance in their subscribing near 500000 l. into the Bank of England) *insomuch, that by a modest Computation, the Refugees were reckon'd to have above two Millions Sterling in the Government. That as they could not be supposed to have brought one half of that Money into* England, *so it was Prudence to divert the Thoughts they might have upon the Conclusion of the War, to carry their vast Gains Abroad, which would very much lessen the current Cash and Credit of* Great Britain, *by granting them the Advantages and Privileges enjoyed by her Majesty's natural-born Subjects; which would not only invite to settle in that Kingdom, but likewise bring over such of their Friends and Relations, as might hope to inherit their Estates. That the* French *Refugees had at all Times, in their several Stations and Callings, given signal Proofs of their Love for the happy Constitution of the said Kingdom, and of their Zeal and Affection for the Government; and, in particular, such of them as had military Employments, which they had discharg'd both in the late and present War, with distinguish'd Bravery and Conduct. That the War had already consum'd such a vast Number of Men, that it was highly necessary to supply the Loss with Foreigners, whether the War continued, which would still increase the Scarcity of Men, or whether it was drawing to a Period, in which Case, a great Number of Hands would be requisite to carry on the Manufactures. And, in short, that all the Objections against a Naturalization, are grounded upon the false Suppositions, That Foreigners would ever continue, and*

be

be look'd upon as such; *which was sufficiently confuted by past and daily Experience.*

Upon the whole, it was resolv'd, that the Bill should pass, and be return'd to the Commons, with their Lordships Concurrence, which was done accordingly; so that it had the Royal Assent by Commission some Time after.

When now, that memorable Year 1709 came on, wherein it was to be decided, whether the Resistance of the supream Power, in Cases of Male-Administration, were lawful, *i. e.* whether the Measures for bringing about the late Revolution, were justifiable, or whether the Parliament had any Right to alter the Course of Succession that was Hereditary. The outed Ministry, that had try'd all Means to repossess themselves of their former Posts, without Success, at last pitch'd upon a more fortunate Expedient, by which they compass'd their Ends. The Clergy not only had it in Direction from em to Preach up the Danger the Church of *England* lay under from the Encouragement that was given to Separatists from their Communion, from the Act of Toleration, *&c.* but to give out from the Pulpit, that the old exploded Doctrine of Passive-Obedience, was almost the *Unum Necessarium*, by which Damnation was to be avoided. Amongst these, one Dr. *Sacheverell*, a Person that had made himself famous in the University of *Oxford*, for Discourses of the like Nature and Tendency, and had some Time before signaliz'd himself by inveighing against the Dissenters in a Sermon at the Assizes held at *Derby*, was recommended to the Bishop of *London*, to be put up by him on the 5th of *November*, as the Preacher on that solemn Occasion, before

the Lord Mayor of the said City, at St. *Paul's* Cathedral. Nor did the Doctor fall short of the Expectations which his Friends conceiv'd of him, insomuch, that upon the coming out of the said two Sermons in Print, the Bait intended thereby, was so very greedily swallow'd, that by the Instigation of Mr. *Harley*, the late Secretary of State, who pretended to be in their Interest of the Party call'd Whigs, complaining of it to the House of Commons, it was instantly resolv'd, 'That a Book, entitled, *The Communication of Sin*, being *a Sermon preach'd at the Assizes held at* Derby, *August* 15. 1709, and a Book entitled, *The Perils of* False Brethren, *both in* Church *and* State, *set forth in a Sermon preach'd before the Right Honourable the Lord Mayor, Aldermen, and Citizens of* London, *at the Cathedral Church of St.* Paul, *on the 5th of* November 1709, were malicious, scandalous, and seditious Libels, highly reflecting on her Majesty and her Government, the late happy Revolution, and the Protestant Succession, as by Law establish'd, and both Houses of Parliament; tending to alienate the Affections of her Majesty's good Subjects, and to create Jealousies and Divisions amongst them.' In pursuance of which, the Doctor was summon'd before them, heard at the Bar of the House of Commons, and order'd to be impeach'd of High Crimes and Misdemeanors before the Lords; amongst whom, tho' the Lord *Halifax* gave it as his Opinion, that the Commons had made good every Article against him, yet his Lordship was so tender of the Person found guilty, that he seconded the Duke of *Argyle* for a much milder Punishment than some in that August Assembly,

Assembly, particularly the late Lord Marquess of *Wharton*, would have had inflicted upon him. Accordingly his Lordship, who spoke but little during the whole Tryal, except as to Parliamentary Forms, had the Honour to see his Sentiments adher'd to by a great Majority of the Peers, and the Issue of it terminate in silencing the Doctor for three Years, and burning his Sermons by the Hands of the common Hang-man.

The Consequence of this Tryal, according to his Lordship's Judgment, in a secret Committee at the Lord Treasurer *Godolphin*'s House, before the Impeachment commenc'd, was, that the Queen chang'd Hands with her Ministers, and reinstated Messieurs *Harley*, *Harcourt*, *St. John*, *&c.* in Places of Trust about her, and to comply with Addresses from all Parts, in Vindication of her *Hereditary* Title, which was then set up in Opposition to her *Parliamentary* Right, issu'd out Writs to call a new Parliament, which was chosen to their Desires, and the Courtiers Wishes; tho' the Lord *Halifax* did what in him lay, to prevent the Effects of the Interests they were making in the several Countries, and even condescended to publish the following Queries, written with his own Hand, to stem, if possible the Tide that was then running high against the Party which he was inseparable from. They were call'd *Seasonable Questions concerning a new Parliament*, in these Words:

Q. 1. 'Whether the Dissolution of this present 'Parliament, which so early, and in so ample a Manner, supply'd her Majesty to carry 'on the War against *France*, will not discourage 'the good People of *Great Britain*, and put 'them

'them under various Doubts and Apprehensi-
'ons, as to future Consequences?

Q. 2. 'Whether the great Numbers of such
'good Subjects, besides Foreigners, who have
'so liberally embark'd their Estates in the Go-
'vernment, will not be drawing out their Ef-
'fects, if any such Dissolution should be?

Q. 3. 'Whether those Persons now seeming-
'ly countenanc'd, are able to assist her Majesty
'so sufficiently as she has been provided for un-
'der the Administration of the present Mini-
'stry?

Q. 4. 'Whether such Persons as shall advise
'her Majesty to dissolve this present Parliament,
'at such a Juncture of War, are not, in all Pro-
'bability, likely to be call'd to an Account for
'the same, when a Time shall serve?

Q. 5. 'Whether the *French* King, by his Plenipotentiaries, has not shewn a different Spi-
'rit as to the Peace, since our first Alteration
'began at Home?

Q. 6. 'Whether the Allies are pleas'd with
'these Proceedings, and how far it may endan-
'ger their making a separate Peace?

Q. 7. 'Whether the permitting Dr. *Sacheverel*
'to ride in Triumph from Place to Place, being
'convicted by the High Court of Parliament, is
'not the greatest Indignity that ever was, or
'can be acted against the State?

Q. 8. 'Whether those Persons that have aid-
'ed and abetted the Doctor in his Progress may
'not justly be accounted Enemies to her Majesty
'and Government, tending only to raise Com-
'motions in the Kingdom?

Q. 9. 'Whether it may not be an Encouragement
'to the *French* King to throw in the *Pretender* upon

'you

you, in the Time of chusing a new Parliament, and who are most likely to come to his Assistance, the moderate Church-men and Dissenters, who acknowledge, and will stand by her Majesty's *Parliamentary* Right, or the High-flyers and *Sacheverelites*, that will own no other but what is *Hereditary*?

Q. 10. 'If this Parliament should be dissolv'd, what Security can these new Advisers have, that a Majority of the same shall not be chosen again; and if so, then what Security can they have for themselves, that they shall not be answerable for embroiling the Nation, and distracting our Allies?

Q. 11. 'If this Parliament should be dissolv'd, and another chosen of a different Complection, altho' they should give Funds for proper Supplies, how will the Money be rais'd, the People who have the great Command of Cash, being already so terribly dispirited?

Q. 12. 'Whether any Parliament was so dissolv'd, which granted every Thing that could be ask'd for the Benefit of the Prince and People; and whether her Majesty's last Speech did not express as much Satisfaction in what they had done, as in any preceding Parliament whatsoever?

Yet, notwithstanding the Conviction, his Lordship's Reasons, by Way of Question, against the Choice of a new Parliament, carry'd with them such a one was chosen as ran counter to all the Measures of the last; and his Lordship, by the Dismission of his Friends, the Earl of *Godolphin*, *Sunderland*, *Wharton*, &c. saw himself, tho' he held his Place by Patent for Life, again out of Favour at Court.

As

As for the Debates which his Lordship had a Share in during the first Sitting of this pacifick Parliament, (for they went into all the Measures of the Court for the Conclusion of a Peace with *France* and *Spain*) we find few wherein he interested himself, except that concerning the Bill *to appoint Commissioners to examine the Value of all Lands, &c. granted by the Crown since the 12th of* February 1688. Now, as this Bill seem'd to be directly levell'd against the Friends and Favourites of the late King *William*, to whom his Lordship ow'd the best Part of his Fortunes, so his Lordship, who had warmly oppos'd it the first and second Reading, stood up after it had been read a third Time, and said, after a large Encomium upon his late Royal Master, 'That 'if, for the Ease of the Publick, it was found pro- 'per to resume the Grants of the Crown, he would 'readily give his Vote for it, provided they 'would go so far back as the Restoration of King 'Charles IId. But that he could not agree to 'limit the Bill to the Grants of King *William*, 'because such an Act would be injurious to the 'Memory of a Prince who was the Deliverer of 'all *Europe*, and who ought to be had in Reve- 'rence by all honest Men.' He likewise spoke against the partial Distinction between Grants since the *Revolution*, and those before it; adding That such a Distinction gave too much Credit to a Ministry who, by the passing of this Bill, would have the Means in their Hands to ruin and oppress those who had not the good Luck to please them. To this, the Earl of *Oxford*, Lord High Treasurer, answer'd, *That no one had Reason to be alarm'd at the Bill, since the Intent of it was only to examine the Value of the Grants made*

Digitized by Google

made by King William, *and upon what Consideration they were given; but that, as it was presum'd, those that enjoy'd them, had render'd very signal Services to their Country, so it was not to be doubted, but the Parliament would confirm them.* When the Lord *Halifax* readily reply'd, 'That it was also to be presum'd, that those who enjoy'd the Grants of King *Charles* II. and King *James* II. might have likewise done important Service to the Nation; wherefore it would be very proper to look into the Motives of all those Grants, in order to confirm them to those who had deserv'd them.' Which shewd Suggestion so puzzl'd those who were on the contrary Side, that the Earl of *Oxford* only observ'd, *That he had been inform'd, that the Commons had no Design absolutely to resume the Grants of King* William, *only to make the Possessors pay the Value of four or five Years Rent, for which they would have the said Grants confirm'd to them for ever.* Hereupon his Lordship, in his Rejoinder, very sarcastically said, 'That he would not at all call in Question what a Lord of such known *Probity* and Sincerity had advanc'd, but that the Resumption of all the Grants in *Ireland*, sufficiently shew'd, that the Commons had not been content with Part.' After which, when the Question was put, whether the Bill should pass, it appear'd, upon the gathering of the Votes, that there were 78 Voices on each Side, *viz.* 52 present and 25 Proxies for the Affirmative, and 52 present and 26 Proxies for the Negative; so that the latter carry'd it, according to the Usage of Parliament, to the great Disappointment and Mortification of the Enemies of the Revolution.

Digitized by Google

Some Time after this, upon the News of the Duke of *Ormond*'s declaring to the Prince of *Savoy*, and the reſt of the Confederate Generals in *Flanders*, *That he had receiv'd poſitive Orders from the Queen his Miſtreſs, neither to agree to any Action againſt the Enemy, either by Battel or Siege,* (which latter was, with much Difficulty, agreed to by the Interpoſition of the States-General's Miniſter, with the Court of *St. James*) the Lord *Halifax* acquainted the Houſe of Peers, 'That 'he had Mattters of Importance to lay before 'them, and deſir'd that the Members of that 'Illuſtrious Aſſembly might be ſummon'd to 'attend the Service of the Houſe the next Day, which being readily conſented to, great, the various, was the Expectation of thoſe Debates and Reſolutions of the enſuing Day, among all Ranks and Parties, inſomuch that ſome indiſcreet ill Wiſhers to the then reigning Miniſtry, could not refrain whiſpering their Hopes, that the Lord High Treaſurer would, in the Evening, be ſent to the Tower of *London*; but that dextrous States-Man ſo beſtirr'd himſelf at that critical Juncture, and made ſo many ſucceſsful Nocturnal Viſits, that he effectually defeated the Deſigns of his leſs vigilant and active Enemies.

The Peers being met in a full Houſe, the Lord *Halifax* open'd the Debate, with taking Notice 'of the ſtrange Declaration made by the 'Duke of *Ormond*, viz. *That he had Orders not to 'act offenſively againſt the Enemy*: afterwards en-'deavour'd to ſhew the ill Conſequences of ſuch 'a Proceeding, and the Neceſſity of carrying 'on the War with the utmoſt Vigour, in order 'to obtain a ſafe, honourable, and laſting Peace; 'and in the Concluſion," made a Motion *for addreſſing*

addressing the Queen, humbly to desire her Majesty to lay before the House the Orders she had sent to her General, and to request her to order him to act offensively in Conjunction with the Allies. Several other Peers spoke to the same Purpose, and press'd the Lords in the Ministry to acquaint the House, whether any Orders of Restraint had been sent to the Duke of *Ormond*. Whereupon, the Lord Treasurer, who was the most concern'd, answer'd most of those Speeches; and, amongst other Things, assur'd the House, *That Orders had been sent to his Grace to join with the Allies in a Siege; and that in a few Days, her Majesty, according to her Promise, would lay before them the Conditions on which a General Peace might be made; which he doubted not would give entire Satisfaction to every Member of that Assembly, and to all true* English-*Men*. The Duke of *Argyle* likewise excus'd the Orders given to the Duke of *Ormond*, upon the uncertain Issue of a Battel; where, according to his Knowledge, Victory was still wavering, and so often chang'd Sides; and that he, who, after five or six successful Charges, thought himself sure of gaining the Day, had at last been routed, and put to Flight. He likewise said, 'That two Years ago, the Confederates might have taken *Arras* or *Cambray*, 'instead of amusing themselves with the insignificant Conquests of * Air*, *Bethune*, and *St. Venant*.' The L. *Halifax* declar'd, on the contrary, *That he could not comprehend why Orders had been given to that General not to fight, unless some certain Persons were apprehensive of weakening the* French *so far, as to disable them to assist them in bringing about Designs which they dar'd not then to own.* The Duke of *Devonshire* alledg'd, on the same Side,

That by Proximity of Blood, he was more concern'd for the Duke of *Ormond*'s Reputation, than any other; and therefore could not forbear declaring, that he was surpriz'd to see any one *dare* to make Use of a Noble-man of the first Rank, and of so distinguish'd a Character, as an Instrument of so ungenerous, and so unmanly a Proceeding. The Earl *Poulet* thereupon rely'd on the Side of the Court, That no Body could doubt of the Duke's Bravery, but that he was not like a certain General who led Troops to the Slaughter, to cause *a great Number of Officers to be knock'd on the Head in a Battel, or against Stone-Walls, in order to fill his Pockets, by disposing of their Commissions.* Which could not but touch the Duke of *M*——— to the Quick, tho' at that Time he repress'd his Resentment, and remain'd silent. In fine, the Result of the Debate was, that the Lord *Halifax*, observing the Disposition of the House to be in Favour of the Court, would have dropp'd his Motion, but the Friends to the Ministry being secure of a Majority, insisted to have the Question put *for adjourning the Debate*, which was carry'd in the Negative by 68 Voices against 42, twenty five of which last, enter'd the following Protest, accurately and significantly drawn up by the Lord *Halifax*.

I. We conceive such an Order, as is propos'd in the Question, to be absolutely necessary, because we are fully convinc'd, that the Duke of *Ormond* does lie under some Order of Restraint from acting offensively, not only from the Accounts which are publick, both here and in *Holland*, of his declaring it to Prince *Eugene*, and to the Deputies of the States, at

their

their last Consultation, when both Prince *Eugene* and those Deputies earnestly press'd him to join in attacking the *French* Army, which was then known to be much inferior to that of the Allies, both in Number and the Condition of the Troops; but also, for that nothing of this whole Matter was deny'd by those Lords who have the Means of knowing these Facts, as undoubtedly would have been without Scruple, had not the said Facts been true, since no Scruple was made of acquainting the House with a subsequent Order, very lately sent to the Duke of *Ormond*, allowing him to join in a Siege; which is a farther Evidence, that he had before some Orders of Restraint; for otherwise, this last Order would be unnecessary, and absurd, it being a general, constant, and standing Instruction to every Commander in Chief, by Land or Sea, to do his utmost Endeavours to annoy the Enemy. And it is manifest, by this last Order, that even in the Opinion of the Ministers, it was expedient to take off this Restraint to some Degree; and the leaving the Duke of *Ormond* still under a Restraint from giving Battel to the *French*, seems most unaccountable, and inconsistent with the Liberty indulg'd to him of joining in a Siege, and renders it altogether useless: For no Place, when taken, can be of such Advantage to the Allies, as *Cambray*, which opens a free Passage for our Army into the Heart of *France*; and 'tis impossible to besiege that Place, without dislodging the *French* from their Ground. Other Attempts seem to be of little Use, but may serve to give the *French* Time, which they do not want still to improve.

II. 'We

II. We conceive it to be derogatory to her Majesty's Honour, to publick Faith, and to that Justice which is due to her Majesty's Allies, and is a sort of imposing upon our Allies a Cessation of Arms, without their Consent, and in the most prejudicial Manner, because they were not so much as acquainted with it, and so might have been led into great Difficulties, besides that, it frustrates all essential Advantages against the common Enemy, which may be of fatal Consequence to this Nation, and all *Europe*.

III. Because it was acknowledg'd, that a general Peace was not concluded, as indeed it is very unlikely it should be, there having been no Answers in Writing given by the *French*, to the *Specifick Demands* of the Allies, tho the same were deliver'd to the *French* three Months ago; and it was farther declar'd, that there was no separate Peace; nay, that such a Peace would be *Foolish, knavish*, and *villanous*; and therefore while we are in War, and have no Security of a Peace, we conceive that such an Order of Restraint is a plain Neglect of all those happy Opportunities which Providence might, and did lately put into our Hands, of subduing our Enemies, and forcing him to a just and honourable Peace. And surely it is imprudent and dangerous to rely on the Promises of *France*, which are so far from being any Security, that even a Peace will not be safe, in our Opinion, unless it be such as gives full Satisfaction to the Allies, that they shall be willing to join with us in a mutual Guaranty of it.

IV. We do not want full to improve Her

IV. Her Majesty having, with great Wisdom, declar'd to this Parliament, that *the best Means of obtaining a good Peace, is to make early Preparations for War, and a vigorous Prosecution of it*: And since the Parliament has, with great Duty and Deference to her Majesty, and a just Zeal for the Interests of their Country, and of *Europe*, given very great Supplies for that Purpose, we conceive that such an Order of Restraint being very different from that Declaration of her Majesty, must be the Effect of very ill Advice; by which the Parliament's good Intentions will be defeated, and all those heavy Loads of Taxes which they have for so good Purposes chearfully given, render'd fruitless, and unnecessary; and may, in Conclusion, after having thus trifl'd away our Wealth and Time, bring us into the Necessity of accepting such a Peace as it shall please an insolent and domineering Enemy to give us.

D. *Devonshire*,	L. *Haversham*,
E. *Wharton*,	B. *John Bangor*,
E. *Derby*,	E. *Godolphin*,
E. *Nottingham*,	M. *Dorchester*,
L. *Rockingham*,	D. *Bolton*,
L. V. *Townshend*,	E. *Carlisle*,
B. *W. Oxon*,	E. *Oxford*,
D. *Marlborough*,	D. *Somerset*,
L. *Cowper*,	L. *Mohun*,
D. *Rutland*,	B. *St. Asaph*,
D. *Montague*,	E. *Scarborough*,
L. *Gilbert Saxum*,	L. *Halifax*.
E. *Bridgwater*,	

The

Digitized by Google

The last mentioned noble Peer also, when the Queen had communicated the Terms on which a Peace might be had, to both Houses of Parliament, and a Motion was made in the House of Lords for an Address of Thanks for her most gracious Speech, and for her extraordinary Condescension in communicating to her Parliament the Terms upon which a General Peace might be made; and to express the entire Satisfaction of that House, in her Majesty's great Care, for securing the Protestant Succession in the House of *Hanover*, and for her Majesty's steadily pursuing the true Interest of her own Kingdoms, and for endeavouring to procure to her Allies what was due to them by Treaties; and to assure her Majesty, that the said House did entirely rely on her Majesty's Wisdom, to finish that great and good Work, mov'd, that at the Close of the foregoing Motion for an Address, these Words might be added: *And in order to that, to pray her Majesty to take such Measures in Concert with her Allies, as might induce them to join with her Majesty in a Mutual Guaranty.* Upon which, the Earls of *Oxford* and *Strafford* said, it shew'd a Diffidence in her Majesty, after they had agreed to tell her, that they *entirely rely'd* upon her. But they were reply'd to in the Manner following, by his Lordship.

My Lords,

'The two noble Persons that have oppos'd 'the Clause of Guaranty, which I took the Li'berty to offer, may, perhaps, have greater 'Interest with her Majesty, but cannot have 'greater Zeal for her Honour and Service, than 'I have, who submit it to your Lordships Judg-

Digitized by Google

ment, whether it be not necessary to have the Security propos'd of a general Guaranty: The rather, because I humbly conceive the Terms of Peace, that are offer'd, have proceeded from a separate Negociation, carry'd on by the Ministers with *France*, without any Communication thereof to the principal Allies, particularly the States, as they say in their Letter to her Majesty, *(whose Interest* her Majesty was pleas'd to declare to this Parliament, *she look'd upon as inseparable from her own:)* And I also conceive this Negociation to be contrary to those Orders which her Majesty declar'd to this House, in Answer to our Address, That she had given to her Plenipotentiaries at *Utrecht*, *to concert with those of her Allies*: And the Resolution express'd in her Message, *January* 17, *of a strict Union*, in which, *she propos'd to join with them, in order to obtain a good Peace, and to guaranty and support the same*, as she had before declar'd in her Speech at the Opening of this Session, *That she would unite with them in the strictest Engagements for continuing the Alliance, in order to render the General Peace secure and lasting*; and contrary to the eighth Article of the Grand Alliance, which expressly obliges all the Allies not to treat, unless jointly, and with the common Advice of the other Parties.

'Your Lordships will likewise give me Leave to fear, that the Refusal *of these Words propos'd to be added*, may be look'd upon by the Allies, as if this House approv'd this Method of transacting with *France*, which may seem to them to tend to a separate Peace, of which her Majesty has declar'd her Dislike; and which one

Digitized by Google

of the Noble Peers, who is so zealous on the contrary Side, has acknowledg'd in this very House, to be *fooliſh* and *knaviſh*, and may be of pernicious Conſequence to this Kingdom, by preventing that Guaranty of Peace by the Allies, which is ſo abſolutely neceſſary for their mutual Security, and leave us expos'd to the Power of *France*, there being little Reaſon to expect their future Help, after ſuch a groſs Breach of Truſt.

'And I farther conceive, That ſuch a ſeparate Proceeding, may create in the Allies ſo great a Diſtruſt, as may tempt them to take the like Meaſures, and to give the *French* Opportunity to break that Union, which has hitherto been ſo uſeful to us, and formidable to them: Any Appearance whereof, muſt encourage *France* either to delay the Concluſion of a Peace, or to impoſe upon the Allies in the farther Progreſs of the Treaty.

'A perfect Union among the Allies, ſeems to me to be more neceſſary in the preſent Caſe; becauſe the Foundation upon which all the Offers of *France*, relating to *Great Britain*, as well as to the Allies, are built, *viz. A Renunciation of the Duke of* Anjou *to that Kingdom*; is, in my Opinion, ſo fallacious, that no reaſonable Man, much leſs whole Nations, can ever look upon it as any Security. Experience may ſufficiently convince us, how little we ought to rely upon the Renunciations of the Houſe of *Bourbon*; and tho' the preſent Duke of *Anjou* ſhould happen to think himſelf bound by his own Act, which his Grand-father did not, yet will his Dependants be at Liberty to ſay, *That no Act of his could deprive them of*

'*their*

Digitized by Google

'*their Birthright*; and especially when it is 'such a Right, as, in the Opinion of all *French-Men*, ought inviolably to be maintain'd by 'the fundamental Constitution of the Kingdom 'of *France*.

'Moreover, with deference to better Judg-'ments, I humbly think it unsafe to depend 'upon this principal Part of the Treaty's *execu-'ting it self*, by supposing that it will be the 'Interest of *France* to support it, since on the 'contrary it is manifest by the *French* Endea-'vours, ever since the *Pyrenean* Treaty, to unite 'the Monarchies of *France* and *Spain*, they look 'upon that Union to be their greatest Interest, 'and the most effectual Means of establishing 'the Universal Monarchy in the House of '*Bourbon*.

'And, if it were reasonable to imagine, that 'the two Crowns of *France* and *Spain* should 'remain in distinct Branches of the House of '*Bourbon*, yet this is contrary to the Grand 'Alliance it self, which recites the Usurpation 'of the *Spanish* Monarchy by the *French* King, 'for the Duke of *Anjou*, as the principal Cause 'of this War.

'As to Port-*Mahon*, *Gibraltar*, the Assiento, 'and the other Advantages to *Britain*, propos'd 'by *France*, (besides that they are all precarious, 'and in the Power of *France* and *Spain* to take 'from us when they please) considering the 'Situation of those Kingdoms, and the vast 'Wealth and Strength which will be left to 'them, I cannot but think it impossible for 'any Man to look on these as a fit Compen-'sation to *Britain*, in any Degree, since the 'leaving *Spain* and the *Indies* in the Possession

'of the House of *Bourbon*, besides other mani-
'festly fatal Consequences, must be extreamly
'prejudicial to our Woollen Manufacture, if
'it does not entirely ruin it.

'As to the Demolition of *Dunkirk*, tho' I
'must own it will be a great Safety to our
'Home-Trade, yet there is Reason to appre-
'hend, by what has been said in the Debate,
'that it is not yet agreed to be demolish'd,
'without an Equivalent for it to the *French*
'King's Satisfaction.

'And in all the Particulars relating to the
'Allies, tho' they are not perfectly adjusted,
'yet, by what does appear concerning them,
'the Allies are likely to be left in such a State
'of Insecurity, as is absolutely inconsistent with
'our own Safety.

'The *Rhine* is propos'd for a Barrier to the
'Empire, which leaves *Strasburgh* and *Huningben*
'in the Hands of the *French* King; the former
'of which, has always been look'd on as the
'Key of the Empire.

'The Proposals of *France*, relating to the Bar-
'rier for the States-General, not only deprive
'them of all the Places taken since the Year
'1709, but also of two or three Places more,
'included in the Demands made by the States
'in that Year, which will render their Barrier
'wholly insufficient, and consequently very
'much weaken the Security of *Britain*.

'*Portugal* seems to be wholly abandon'd to
'the Power of *Spain*, notwithstanding the great
'Advantages we have receiv'd this War by
'our Trade with that Kingdom, which might
'still be extreamly beneficial to us.

'Upon

Digitized by Google

'Upon the whole, there is so very little 'and inconsiderable a Difference between these 'Offers of *France*, and those made at *Utrecht*, 'Feb. 11. N.S. and sign'd *Huxelles*, (as appears 'upon comparing them together) that both 'seem to be the Effect of a secret and titular 'Negociation with *France*, this House having 'unanimously concurr'd in expressing their Re-'sentment at those Terms offer'd to her Ma-'jesty, and her Allies, by the Plenipotentiaries 'of *France*, and her Majesty having graciously 'accepted our Address, and rewarded that 'Duty and Zeal with her hearty Thanks, we 'should not in Respect to her Majesty, or Justice 'to our Country, retract that Opinion, nor 'think the Terms now good for us and our 'Allies, or give any seeming Approbation of 'them, which then were receiv'd by this House, 'and all the Allies, with Scorn and Detestation.

'For these Reasons I am fix'd in my Opi-'nion, notwithstanding all that has been sug-'gested in behalf of them, that the Offers of '*France* are fallacious and ensnaring, no way 'proportion'd to the Advantages which her 'Majesty (from the great Successes which it 'has pleas'd God to bless her and her Allies 'with, during the whole Course of this War) 'might justly expect for her own Kingdoms, 'and for them; very insufficient for preserving 'a Balance of Power in *Europe*, for the future 'Security of her Majesty and her Allies, tho' 'they should be never so exactly perform'd: 'And yet, even such as they are, there is no 'effectual Security offer'd for the Performance 'of them; which makes it absolutely necessary, 'as I conceive, that such Measures should be

'taken,

Digitized by Google

'taken, in Concert with the Allies, as may 'induce them to join with her Majesty in a 'mutual Guaranty.

Thus spoke this great and good Man, for the Honour and Security of his Country, and the Preservation of the whole Confederacy; but the Question being put, *Whether the Clause should be added*, it was resolv'd in the Negative, by 81 Voices against 36. The Reason of this great Majority being then said to be, *first*, because the Proxies, of which the *Whig-Lords* had more than the other Side, were not call'd for; and *secondly*, because several Peers, upon what Considerations I know not, did not think fit, on that Occasion, to vote against the Court.

Having accidentally omitted a very material Debate in Parliament, wherein the Conducts of the Earls of *Peterborough* and *Galway* were examin'd, in order to give the Thanks of the House of Peers to the former, I must ask Leave of the *Reader* to insert it here, though upon the Anvil in the Year 1711, because the Lord *Halifax* particularly distinguish'd himself therein. The Proceedings were as follow. The Lords having resolv'd to enquire into the Management of the Affairs of *Spain*, upon a Motion made by the Duke of *Beaufort*, made Application to the Queen, that the Earl of *Peterborough*'s Journey to *Vienna*, might be deferr'd for some Days, that they might make use of such Lights and Informations as he was able to give them concerning those Affairs. Which being granted, they went into a Committee of the whole House, the Earl of *Abingdon* in the Chair, who put five Questions to the Earl of *Peterborough*, to which

Digitized by Google

which his Lordſhip return'd diſtinct Anſwers, containing in the main, a Relation of the Facts and Paſſages publiſh'd ſome Years before by Dr. *Friend*, a Phyſician who attended his Lordſhip in *Spain*, in a Book, entitled, *An Account of the Earl of* Peterborough's *Conduct*, &c. wherein that Lord's Management was fully juſtify'd, and highly extoll'd, not without ſome glancing Reflections on the other Generals in *Spain*, particularly the Earl of *Galway* and the Lord *Tyrawly*, who were order'd to appear before them. Accordingly the two Lords, (for the firſt of which a Chair was plac'd, by reaſon of his Age and Infirmities) came to the Bar of the Houſe, and the Earl of *Galway* was aſk'd by the Chair-man, to give the Lords an Account of what he knew concerning the Affairs of *Spain*. Upon which, his Lordſhip having excus'd his Deficiency in not expreſſing himſelf ſo properly as he could wiſh, in the *Engliſh* Tongue, gave the Houſe an ingenious Account of his Conduct, from his firſt ſetting out for *Portugal*, 'till the Time he was recall'd; with which the Lords appear'd to be well ſatisfy'd. *And*, as he ſaid, *his Memory might have fail'd him in ſeveral important Particulars*; he deſir'd *that he might be allow'd to give in Writing, what he had deliver'd by Word of Mouth*; which was granted. As for the Lord *Tyrawley*, he being deſir'd to ſpeak what he knew about the ſame Affairs, and not knowing the Drift of ſuch an Enquiry, but rather ſuſpecting his own Reputation might be concern'd, ſtood upon the Reſerve, and ſaid, *That when he was in the Army, he kept no Regiſter, and carry'd neither* Pen nor Ink *about him, but only a Sword, which he us'd the beſt he could upon Occaſion*; *and that all he*

knew

Digitized by Google

knew in general, was, that they always acted according to the Resolutions of the Councils of War. When the Lords *Galway* and *Tyrawley* were order'd to withdraw, and several Peers, in particular the Duke of *Marlborough*, spoke in favour of the former, and said, 'That it was somewhat 'strange, that Generals who had acted to the 'best of their Understandings, and had lost their 'Limbs in the Service, should be examin'd 'like Offenders, about insignificant Things; and was back'd by the Lord *Halifax*, who declar'd, *That the Esteem which the late King* William *had for that great and good Man, who had distinguish'd himself on so many eminent Occasions in* Ireland, Savoy, *&c. for the Service of a Country which he had left his own native Land to be assistant to, in Times of Distress, should always incline him to his Side.*

After reading the Earl of *Galway*'s Papers, the next Sitting of the Committee, and giving the said Earl a Copy of the five Questions put before to the Earl of *Peterborough*, and of his Lordship's Answers to them, the Chair-man of the Committee ask'd the Lord *Tyrawley*, *Whether he was willing to communicate to the Lords, what he knew concerning the Council of War held in* Valencia *on the* 15*th of* January 1707, *N. S.* To which he answer'd, 'That the Reason why 'he had been so shy of speaking the *Friday* before, 'was, because he thought himself accus'd; and 'as his Doubt still continu'd, and no Body was 'oblig'd to accuse himself, he desir'd to know 'whether he was accus'd or no? And if he 'was, he requested a Copy of the Accusation, 'that he might put in his Answer. Hereupon the Duke of *Argyle* said, *That the Lord* Tyrawley's

Digitized by Google

Question was improper, and that he ought to answer such Questions as should be put to him by the Chairman. But the Lord *Tyrawley* insisting, 'That 'if he were accus'd, he ought to make his 'Defence according to the Forms of Courts of 'Judicature. The Earl of *Peterborough* said, *That the Lord* Tyrawley *was a gallant Man, but that as it commonly happen'd, he might have been sway'd by the Opinion of his Superiors.* Whereupon the Chair-man told him, *He was not accus'd.* Notwithstanding this, the Lord *Halifax* said, 'That the Lord *Tyrawley*'s Question was not 'altogether ill-grounded; for that any Thing that 'tended to a Censure, might be look'd upon 'as an Accusation; and that the House of Peers, 'being the supream Court of Judicature, they 'ought to observe the Forms of Justice, as well 'as inferior Courts. A Debate being likely to ensue thereupon, the Duke of *Buckinghamshire* mov'd, *That the Persons at the Bar might withdraw*; which they did, and then his Grace complain'd of the Earl of *Abingdon*'s saying to the Lord *Tyrawley*, *That he was not accus'd.* Thereupon the Lord *Halifax* said, 'They were en-'tering upon a large Field: That this Business 'had taken up much of their Time three Years 'before, to very little Purpose: That the Council 'in *Valencia*, was a Point of no Weight or Con-'sideration; but that if it was made to be the 'Cause of ill Measures, the Lord *Tyrawley* was 'involv'd in the same Accusation with the 'Earl of *Galway*. Then the Earl of *Abingdon* justify'd his Assertion, *viz. That the Lord* Tyrawley *was not accus'd*; urging, *That it was impossible he should, because the House of Peers only judg'd, but never accus'd.* After which, the Duke of *Argyle*,

Digitized by Google

in Answer to the Lord *Halifax*, aver'd, *That three Years ago they enquir'd how* Spain *had been got, but now they enquir'd how it came to be lost; and that they were only* enquiring, *and not* accusing. To whom his Lordship again reply'd, 'That he could not perceive the Tendency of 'such an Enquiry; but if they design'd to censure 'Persons who had acted to the best of their 'Understandings, they would have no Body 'to serve them; and that it appear'd, by General *Stanhope*'s Letter to Mr. Secretary *Hedges*, 'that the Council held in *Valencia*, was unanimous in four Points, and did not debate the 'fifth, which they left to be determin'd by the 'subsequent Councils of War. Hereupon the Earl of *Peterborough* mov'd, *That the said Letter might be read*; which being done accordingly, the Lord *North* and *Grey* said, *That the Lords* Galway *and* Tyrawley *having been possess'd with an Opinion, that they were accus'd, they ought to be given to understand that they were not.* To this, the Lord *Halifax* added, 'That they ought to declare 'clearly and plainly, whether this was an *Accusation* or no: That the Reputation of Men 'of Honour, was their Liberty and their Property: That consequently, if this Enquiry tended to censure the Reputation of the Lords 'Galway and *Tyrawley*, by what Name soever 'it might be call'd, it was an **Accusation**; 'and they might ask to have it in Writing, 'and ought to be allow'd Time to make good 'their Answers. *Adding*, He did not speak so 'much in Favour of those two Lords, as for 'the Honour of that illustrious Assembly. To this, the Duke of *Buckinghamshire* made Answer, *That the Lord* Tyrawley's *Question was improper:*

That

Digitized by Google

That if all who were summon'd to the Bar of the House, in order to be examin'd, should ask the same Question, they could never proceed in any Enquiry, or come to the Knowledge of any Thing: That the Lord Tyrawley *was as cautious and reserv'd, as if he knew he was really accus'd: That the* Friday *before, he remember'd nothing, and now he wanted to know whether he was accus'd, or not: That the Lord* Galway *had acted fairly, like a Man of Honour: That the Lord* Tyrawley *ought to do the same; but if he refus'd, they could not force him to it: That the reading of Letters, was irregular, before they had examin'd him: And that the Chair-man ought to ask him peremptorily, Whether he would tell the Lords what he knew about the Council held in* Valencia? Hereupon the Duke of *Marlborough* mov'd, 'That the Lords *Galway* and *Tyrawley* might be told, *That they were not accus'd*; and that the Council in *Valencia*, was 'only to give Light into the subsequent Ope'rations of the Campaign. To which, the Earl of *Rochester* answer'd, *That tho' it had been alledg'd, that Reputation was as dear to them, as Liberty and Property, yet the Lords ought not to tye their Hands, by telling them whether they were accus'd or not.* In a Word, the Result of the foregoing Debate, was, that the Question was put by the Chair-man to the Lord *Tyrawley*, *Whether he would inform the House what he knew about the Council of War held in* Valencia? Which his Lordship consented to; and in his Account of it, speaking about the Battle of *Almanza*, and being interrupted by the Earl of *Nottingham*, who told him, *He was not examin'd about the Battle of* Almanza, the Lord *Halifax* aver'd, 'That 'what he said, was very proper, since the Battle

Digitized by Google

of *Almanza* was a Conſequence of the Council of War held in *Valencia*; which was agreed to by the Committee.

After this, the Earl of *Peterborough*'s Papers were examin'd into, as alſo Dr. *Friend*'s Book; to the Veracity of which, the ſaid Author was ſworn; in Conſequence of which, the Earl of *Abingdon* read the Queſtion that had been given in by the Lord *Ferrers*, viz. *Reſolv'd, that the Earl of* Peterborough *has given a very faithful, juſt, and honourable Account of the Councils of War in* Valencia. This Queſtion occaſion'd a Debate that laſted above an Hour, wherein the Lord *Halifax* excepted againſt the Word *Juſt*, becauſe the Earl of *Galway* had declar'd he had ſome Remarks to make on the Earl of *Peterborough*'s Recapitulation, but ſaid he readily agreed to the Word *Honourable*. At laſt the Queſtion being put, the Lords divided, and Tellers being appointed, 59 were for the Affirmative, and 45 only for the Negative.

When the Affairs of *Spain* came a ſecond Time under the Conſideration of the Peers, an Officer was ſent to know whether the Earl of *Galway* attended, and the Houſe being inform'd he did not, the Earl *Poulet* made a long Speech, wherein he repreſented, *That the Nation having for many Years been engag'd in an expenſive War, it was neceſſary to give the People the Satisfaction, to let them know how their Money had been ſpent, and who deſerv'd Thanks, and who to be blam'd: That it appear'd the Service of* Spain *had been very much neglected: That many Officers upon that Eſtabliſhment, look'd on their Employments as* Sine-Cures, *being Favourites of the Party: And that the Council held in* Valencia, *being the Spring of all our*

Digitized by Google

our Misfortunes, he mov'd, 'That the Earl of 'Galway, Lord *Tyrawley*, and *General* Stanhope, 'inſiſting at a Council held in *Valencia*, ſome 'Time in *January* 170$\frac{6}{7}$, in the Preſence of the 'King of *Spain*, and the Queen's Name being 'uſed in Maintenance of their Opinion, for an 'offenſive War, contrary to the King of *Spain*'s 'Opinion, and that of all the General Officers 'and Publick Miniſters, except the Marqueſs 'das Minas; and the Opinion of the Earl of 'Galway, Lord *Tyrawley*, and General *Stanhope*, 'being purſu'd in the Operations of the follow-'ing Campaign, was the unhappy Occaſion of 'the Battle of *Almanza*, and one great Cauſe 'of our Misfortunes in *Spain*, and of the Diſap-'pointment of the Duke of *Savoy*'s Expedition 'before *Toulon*, concerted with his Majeſty. Hereupon the Duke of *Bedford* deliver'd in a Petition of the Earl of *Galway*, which was read, importing, *That being inform'd that Matters which very much concern'd him, were in Agitation againſt him in that Houſe, he pray'd their Lordſhips to give him Time to put in his Anſwer, before they came to a Determination.* The Marqueſs of *Dorcheſter* deliver'd alſo a Petition from the Lord *Tyrawley*, to the ſame Effect. Upon which, the Duke of *Buckinghamſhire* ſaid, *That the Petitioners might think themſelves accuſed, which could not be; for the Peers never accuſe, and only give Orders to the Attorney-General to proſecute: That altho' every Body might have Acceſs to their Journals, becauſe they were a Court of Record; yet no Inqueſt could take Notice of any Thing that paſs'd, or was depending in the Houſe: That at that Rate, any Body might put a Stop to their Proceedings: That he did not, however, blame Men that were under the*

Digitized by Google

the Apprehenſions of being accuſed, for preſenting ſuch Petitions; but that they ought to take no Notice of them, and proceed according to the Order of the Day, to the Conſideration of the State of the Nation. In Anſwer to this, the Lord *Halifax* ſaid, 'That as a Cenſure might enſue upon 'Earl *Poulet*'s Motion, the Lords *Galway* and 'Tyrawley had Reaſon to petition for Time to 'make their Defence. To which, the Earl of *Rocheſter* having reply'd, *That he never heard of a Petition of that Nature: That the Petitioners deſir'd, in Effect, to be heard upon the Debate of the Lords, which was improper: That no Body then knew, or could tell what the Queſtion was; but That after it was known, it might then be proper for them to put in their Petitions*; concluding, *That they ought not then to be receiv'd.* Hereupon the Lord *Halifax* took him alſo up, and ſaid, 'That the Petitions were neither improper, nor 'given in at an improper Time: That it would 'be too late for the Petitioners to apply to the 'Lords, after they were come to a Reſolution: 'That he hop'd it would never be found in 'the Journals of that Houſe, that when the 'Lords were going to proceed to a Cenſure, they 'refus'd to hear thoſe that were to be affected 'by it: That the Lords *Galway* and *Tyrawley* 'had a Right to be heard, and clear the Mat-'ters of Fact, as Subjects of *Great Britain*: That 'the Lords ought, beſides, to be cautious how 'they proceeded in Enquiries of Things done 'before the Act of Oblivion and Indemnity: *Concluding*, 'That it was but natural Juſtice, 'that Men in Danger of being cenſur'd, ſhould 'have Time to juſtify themſelves. His Lord-ſhip was likewiſe back'd by the Lord *Cowper*, who

Digitized by Google

who declar'd, 'That the Debate about the 'Affairs of *Spain*, was adjourn'd to that Day; 'and therefore it was improper to take Notice 'of Earl *Poulet*'s Motion in the House; but that 'it might be consider'd in the Committee: 'That as to the two Petitioners, it was reaso- 'nable and proper to grant them Time to put 'in their Answers, because the Question tended 'to censure them, which they did not know 'before, when they were only examin'd: And 'that in Things *essential* to Justice, the ordi- 'nary Forms of Courts of Judicature ought to be 'preserv'd. Then the Duke of *Shrewsbury* say- ing, when Earl *Poulet* alledg'd, *That the Design of the Petitions was only to occasion* Delays, *That if they were ready to be heard, he consented they should, provided they deliver'd nothing in Writing that might occasion Delays*; the Lord *Halifax* stood up, and said, 'That out of an Affectation of avoid- 'ing Delays, and of not going fast enough, they 'went so fast, that they must come back: That 'the Petitioners had indeed been examin'd, but 'were not heard to the Question propos'd by 'the Earl *Poulet*; and that the Lord *Tyrawley* 'was even interrupted by the Earl of *Peter- 'borough*, when he began to speak of the Battle 'of *Almanza*. *Pray my Lords*, added he, *proceed 'according to Rules of Justice. When Sir* George Rook *was call'd in Question, he was heard for three Days together: What, will you not hear these two Lords, before you pass a Resolution that touches their Reputations? For my Part, when I hear these Arguments, I could stop my Ears.* Yet, notwith- standing all his Lordships Arguments in Behalf of receiving the Petitions, the Question being put, whether they should be rejected, it was

carry'd

Digitized by Google

carry'd in the Affirmative, by a Majority of 57 Voices, againſt 46 that were for the Negative.

In a Word, as the whole Purport of theſe Debates were to do Honour to the Earl of *Peterborough*, by cenſuring the other chief Commanders in *Spain*, and mortifying the Duke of *Marlborough*, by giving the ſaid Earl the Thanks of their Houſe, when his Grace was to go without them, ſo it will take up too much of the *Reader*'s Time, to go through the whole *Seriatim*. I ſhall therefore only take Notice, that in the Cloſe of this Day's Conſideration of the Affairs of *Spain*, which was the ſecond wherein their Lordſhips were engag'd upon that Subject, the Earl of *Peterborough* having often mention'd his INSTRUCTIONS for treating about the Siege of *Toulon*, the Lord *North* and *Grey* mov'd, That thoſe Inſtructions might be produc'd; but the Earl of *Rocheſter* alledging it could not be done without the *Queen*'s *Leave*, the Lord *North* and *Grey* reply'd, *They might preſent an Addreſs to her Majeſty for that Purpoſe*; which being wav'd by the Duke of *Buckinghamſhire*, his Lordſhip that ſpoke before him, acquieſc'd; tho' 'tis remarkable, that the Earl of *Peterborough* ſaid, *That Mr. Secretary had Teſternight been order'd to attend, and be examin'd about the Matter*; whereupon the Lord *Halifax* deſir'd, *That the Lord* Peterborough's *Letter to Mr. Secretary* Hedges, *might be left upon the Table:* Adding, *That ſince the Duke of* Savoy *was for an offenſive War in* 1706, *he wonder'd how it could be a Crime in* 1707! To which, the Earl of *Nottingham* reply'd, *That the Earl of* Peterborough's *Letter ought not to be left on the Table; and that no Inference could be*

Digitized by Google

more unnatural, than to ſay, That becauſe the Duke of Savoy *was for an offenſive War in* 1706, *he muſt be of the ſame Opinion in* 1707. When the Lord *Halifax* inſiſting on having the Earl of *Peterborough*'s original Inſtructions, the Chairman put him in Mind of what had been already ſuggeſted, *viz. That there might be ſome Secrets in them, not proper to be made publick.* To which, his Lordſhip again reply'd, 'That the 'arguing upon a *Probability*, when there might 'be a *Certainty*, ſhew'd the Neceſſity of calling 'at leaſt for that Part of the ſaid Inſtructions 'as related to the Matter in Hand; *urging*, 'That *Toulon* might be mention'd in them, but 'that it was material to know in what manner it was mention'd. To cut off this Gordian 'Knot, the Duke of *Argyle* ſaid, *That even ſuppoſing no Mention was made of* Toulon, *in the Earl of* Peterborough's *Inſtructions, yet it appear'd very plainly, that he had concerted that Project, from his Letter to Mr. Secretary* Hedges, *from Mr.* Stanhope's *Letter, and from the Earl of* Galway's *Confeſſion.* Then the Earl of *Scarſdale* complaining of Delays, and ſome Lords inſiſting on the ſame Thing, the Lord *Halifax* anſwer'd them, adding, 'He deſign'd to make all Delays 'ceſſary to get a right Information; *declaring*, 'That the Earl of *Peterborough* himſelf had de'ſir'd, that Mr. Secretary *Hedges* might be call'd 'in and examin'd. Hereupon the Earl of *Peterborough* explain'd what he had ſaid about Sir *Charles Hedges*; averring, *He only mention'd him about the Letter his Lordſhip wrote to him in* French. But nevertheleſs the Lord *Halifax* inſiſted on 'the Neceſſity of having that Earl's Inſtructi'ons laid before them; *alledging*, 'That ſince

Digitized by Google

' new Papers were daily produc'd towards that ' Enquiry, why not thoſe Inſtructions, which ' were as material as any of the reſt?' But the oppoſite Party calling to the Earl of *Abingdon*, to put the Earl *Poulet*'s main Queſtion, it ended the Diſpute of that Day, and was carry'd againſt the Earl of *Gallway*, Lord *Tyrawley*, and Mr. *Stanhope*, in the Affirmitive, by 64 Voices againſt 43.

The next Queſton they went upon, in their third Days Debate, was one deliver'd in by the Earl of *Scarſdale*, in theſe Words: *That it appear'd, by the Earl of* Sunderland's *Letter*, (which had been juſt before read to the Houſe) that *the carrying on the War* offenſively *in* Spain, *was approv'd and directed by the* Miniſters, *notwithſtanding the Deſign of attempting* Toulon, *which the Miniſters knew at that Time was concerted with the Duke of* Savoy, *and therefore were juſtly to be blam'd for contributing to all our Misfortunes in* Spain, *and to the Diſappointment of the Expedition againſt* Toulon. Now, it is to be noted, that the noble Perſon who mov'd this, had chang'd the Words *Cabinet-Council*, which he made Uſe of in a Motion made to the laſt Committee, into that of *Miniſters*, in this, whereupon Exceptions were made by ſeveral Lords againſt it, tho' the ſaid noble Peer endeavour'd to juſtify himſelf, by ſaying, *He thought fit to alter the Queſtion, becauſe the Word Miniſters, was better known than that of Cabinet-Council.* In anſwer to this, the Lord *Halifax* gave the Lords Committees to underſtand, with his wonted Perſpicuity, ' That in his Opinion, the Word *Mini-* ' *ſters* or *Miniſtry*, would run into the ſame Ex- ' ception with *Cabinet-Council*: That they were

' both

Digitized by Google

'both Terms of an *uncertain Signification*: That 'there was beſides, in the Queſtion, the Word '*Miniſters*, in the Plural; and therefore he 'mov'd, that the Earl of *Sunderland*'s Letter 'might be again read, that it might appear 'whether one Miniſter only, or more, approv'd 'and directed an offenſive War.' Which being 'read, it imported, in Subſtance, 'That he (the 'Lord of *Sunderland*) was ſorry they three on-'ly, meaning the Lords *Gallway*, *Tyrawley*, and 'Mr. *Stanhope*, were of that Opinion: That no-'thing but Intereſt could incline others to the 'contrary: That the dividing the Army, would 'be the Ruin of all: That the Queen entirely 'approv'd what he (Mr. *Stanhope*) had done in 'the Council of War, as he would ſee more at 'large in the Inclos'd from the Lord Treaſurer: 'That this was ſo much the Queen's Opinion, 'that ſhe had written in the moſt preſſing 'Terms to King *Charles* about it: That as for 'the Earl of *Peterborough*'s Projects in *Italy*, the 'leſs Attention Mr. *Stanhope* gave to them, the 'better: That he ſent him a Letter for the 'Earl *Rivers*, which he deſir'd Mr. *Stanhope* to 'deliver him, if he took upon him the Com-'mand of the Army, by the Lord *Galway*'s 'giving it up; which, however, *the Earl of* 'Sunderland *hop'd* he would not do. In which 'laſt Caſe, Mr *Stanhope* was deſir'd *to burn that* 'Letter:' Concluding, That the Lord Treaſurer had ſettled the Remittances for the Army, *&c.* 'Hereupon the Lord *Halifax* continu'd his Diſ-'courſe, and ſaid, 'That he could not find a 'Connection between the Premiſes (*viz.* the 'ſaid Letter) and the Inference in the Queſtion; 'and therefore, if it ſhould paſs into a Reſoluti-

Digitized by Google

'on, he would enter his *Proteſt.*' After which, he inſiſted, 'That the Alteration made in the 'Queſtion, ought to be explain'd; urging, that 'the Word *Miniſters*, was of an uncertain Sig-'nification; and *Cabinet-Council*, a Word un-'known in our Law: That if that Auguſt 'Aſſembly proceeded to a Cenſure upon Men, 'the World ought to know who they were: 'That he hop'd, the Lord who propos'd that 'Queſtion, would explain himſelf; and hop'd 'at the ſame Time, that if any Body were ac-'cus'd, it would appear to be without Ground: 'That he had the Honour to be one of the 'Miniſtry, in being a Privy-Counſellor, and did 'not know whether it was deſign'd to involve 'him in the ſame Cenſure; but he proteſted, 'with the utmoſt Sincerity, that while he was 'in that Poſt, he gave his Advice, and acted 'to the beſt of his Underſtanding, and with an 'honeſt Intention to ſerve his Queen and Coun-'try.' His Lordſhip having ſaid this, the Earl of *Scarſdale* declar'd, *That he thought the Word* Miniſters *very proper, and that the Lord Treaſurer* Godolphin *was nam'd in the Earl of Sunderland's Letter.* The Earl *Poulet* likewiſe inſiſted, *That there was no Diſtinction between the* Miniſtry *and the* Cabinet-Council, *ſince thoſe who were of the* Cabinet, *were* Miniſters; *it appearing to him, that the Word* Miniſtry, *was more* copious *than* Cabinet-Council. To which, the Lord *Halifax* made a very ready Return, with great Preſence of Mind, ſaying, 'That ſince the Word *Miniſters* was more 'copious, it was therefore *improper* in that Caſe, 'becauſe their Lordſhips ought to be ſure *whom* 'they deſign'd to *cenſure.*' Hereupon, Earl *Poulet* averr'd, *This was the firſt Time that that nice Diſtinction*

Digitized by Google

ſtinction, between Cabinet-Council *and* Miniſtry, *was made a Diſpute, which look'd like a Delay.* And the Earl of *Iſlay* ſaid, on the ſame Side, *That 'twas improper and irregular, to take Notice in that Debate, either of the Addreſſes to the Queen, or of the Queſtion propos'd before; in both which, the Word* Cabinet-Council *was inſerted: That 'twas true, this Word was not commonly known in the Law, neither was the Word* Miniſtry, *and therefore they ought to uſe a plain* Engliſh *Word: That he would mention an Inſtance at the* Revolution, *when a Word of an uncertain Signification,* viz. Abdicate, *occaſion'd much Debate: That he wiſh'd, if the Queſtion ſhould paſs with the Word* Miniſters, *they would mention two Lords that had been already nam'd: —— That he ſhould be ſorry to hear, or repeat the Sound; — but, however, he thought it neceſſary to name them.* To this, the Lord *Halifax* anſwer'd, 'That the mentioning the Addreſs 'and former Queſtion, was not improper: That 'they were ſtating the Signification of two ſy-'nonimous Words of great Weight and Impor-'tance in that Caſe; and therefore he deſir'd, 'that the Addreſs to the Queen might be read'. *This being done accordingly, his Lordſhip added,* 'That he wonder'd at the Method us'd upon 'that Occaſion; for he underſtood the Queen 'was deſir'd to give an immediate Anſwer to 'that Addreſs; with an Intimation, *That the* 'House *was ſitting expecting her Majeſty's Anſwer;* 'which was not uſual.' At this, the Duke of *Argyle* ſaid, *He thought what the noble Lord that ſpoke laſt, had ſaid, was* accuſing *the Houſe of doing an* Uncivility *to the Queen.* Upon which, ſeveral Lords crying, *Go on, go on,* — the Lord *Halifax* ſaid, 'That if their Lordſhips look'd in

their

Digitized by Google

'their Books, they would find it not uſual.' When Earl *Poulet* appealing to the Houſe, *whether the Words* immediate Anſwer, *were ever mention'd?* the Duke of *Buckinghamſhire* ſaid, *He never heard any ſuch Thing ſpoken; and if it had, he would rather have gone to the Tower, than have carry'd ſuch a Meſſage.* Upon which, the Lord *Halifax* excus'd what he had ſaid, alledging, in Vindication of himſelf, 'That he was not in the Houſe when 'the Addreſs was ſent, but had been told, that 'a Motion for an *immediate Anſwer* was made, 'which he believ'd was without a Precedent.

To put an End to the Diſpute, ſeveral Lords call'd for the Queſtion, and the Duke of *Argyle* having deſir'd, *that when that Queſtion was over, his Grace might be at Liberty to offer another,* the ſame was readily agreed to, and then the Earl of *Abingdon* put the Queſtion in theſe Words; *That it appears by the Earl of* Sunderland's *Letter, that the carrying on the War offenſively in* Spain, *was approv'd and directed by the* Miniſters, *notwithſtanding the Deſign of attempting* Toulon, *which the* Miniſters *knew at that Time was concerted with the Duke of* Savoy, *and therefore are juſtly to be blam'd; for contributing to all our Misfortunes in* Spain, *and to the Diſappointment of the Expedition againſt* Toulon; which was agreed to by a Majority of 68 Lords againſt 48.

After this, the Duke of *Argyle's* Queſtion was put in the following Manner; *That the Earl of* Peterborough, *during the Time that he had the Honour of commanding the Army in* Spain, *did perform many great and eminent Services; and if the Opinion he gave in the Council of War at* Valencia, *had been follow'd, it might, very probably, have prevented the Misfortunes that have happen'd ſince in* Spain.

Digitized by Google

Spain. Which being agreed to, the Duke of *Buckinghamſhire* ſaid, *One Thing more ought to be done before they adjourn'd*, which he was ſure would be readily agreed to, viz. *That the Earl of* Peterborough *have the Thanks of the Houſe for his eminent and remarkable Services; and that the Lord Keeper return him the Thanks of the Houſe immediately.* Accordingly the Motion was accepted, and the Lord Keeper *Harcourt* addreſs'd himſelf to his Lordſhip in the following Speech.

My Lord Peterborough,

'I Am commanded by my Lords, to return 'their Thanks to your Lordſhip, for your 'many eminent and faithful Services to your 'Queen and Country, during your Command in '*Spain.*

My Lord,

'The Thanks of this Illuſtrious Aſſembly, is 'an Honour which has been rarely pay'd to 'any Subject, but never after a ſtricter Enquiry 'into the Nature of any Service, upon a more 'mature Deliberation, or with greater Juſtice, 'than at this Time to your Lordſhip. 'Such is 'your Lordſhip's known Generoſity, and truly 'noble Temper, that I aſſure my ſelf the Pre-'ſent I am now offering to your Lordſhip, is the 'more acceptable, as it comes *pure* and *unmix'd*, 'and is unattended with any other *Reward*, 'which your Lordſhip might juſtly think would 'be an *Allay* to it.

My Lord,

'Had more *Days* been allow'd me, than I have 'had *Minutes*, to call to Mind the wonderful 'and amazing Succeſs which perpetually at-'tended your Lordſhip in *Spain*, (the Effect of 'your

'your Lordſhip's perſonal Bravery and Conduct) 'I would not attempt the enumerating your 'particular Services, ſince I ſhould offend your 'Lordſhip by the Mention of ſuch as I could 'recollect, and give a juſt Occaſion of Offence 'to this honourable Houſe, by my involuntary 'Omiſſion of the far greater part of them.

'I ſhall detain your Lordſhip no longer, than 'in Obedience to the Order I have receiv'd to 'return your Lordſhip, as I do, the Thanks of 'this Houſe, for your *eminent and remarkable* 'Services to your Queen and Country, during 'your Command in *Spain*.

The Earl of *Peterborough*'s Anſwer.

My Lords,

FOR *the great Honour and Favour I have receiv'd from your Lordſhips, I return my moſt humble Thanks, with a Heart full of the greateſt Reſpect and Gratitude. No Services can deſerve ſuch a Reward. It is more than a ſufficient Recompence for any paſt* Hardſhips; *and to which, nothing can give any Addition. I cannot reproach my ſelf with any want of Zeal for the publick Service: But your Lordſhips Approbation of what I was able to do towards ſerving my Queen and Country, gives me new Life, and I ſhall endeavour, in all my future Actions, not to appear unworthy of the unmerited Favour I have receiv'd this Day from this Great Aſſembly.*

Yet, tho' Matters were carry'd thus in Favour of the Earl of *Peterborough*, and it could not but be an extream Affliction to the Earl of *Galway*, to ſee ſuch hard Conſtructions put upon his good Intentions

Digitized by Google

Intentions for the Publick Service, the latter had ſome Amends made him, not only by ſeveral Proteſts drawn up by the Lord *Halifax* againſt all the Queſtions but the laſt, but by a very handſome Encomium written by the ſame Lord's Encouragement, and made publick the next Day, as an Allay to the Joy his Enemies gave Tokens of, at the Cenſure of his Lordſhip's Conduct. The Verſion ran thus:

To the Earl of *Gallway*.

Repine not, Sir, at Fortune's partial Laws,
Who often frowns upon the juſter Cauſe:
The Laurel Wreath with like deſerv'd Renown,
May both the Victor and the Vanquiſh'd Crown.
Nor mourn the ſwift Viciſſitudes of Fate,
That Name ſhould teach you what attends the Great.
Succeſsful Acts depend not on the Will,
And Virtue, tho' 'tis croſs'd, is Virtue ſtill.
Think on Rome's *Eagles by* Marcellus *led;*
Think on the Fabii, *and* Emilius *dead;*
Who to their Country ſacrificing all,
Roſe by Defeat, and triumph'd in their Fall.
Will not Great William's *Fame out-laſt the Sun?*
And has not Luxemburg *a Battel won?*
Churchill, *'tis own'd, ne'er yielded to a Foe,*
But Pompey *was o'ercome, and* Cæſar *too.*
Apply, Great Sir, theſe juſt Examples Home,
Britain *can ne'er be more ingrate than* Rome.
Fates dark Decrees did that black Day ordain,
That Wrong ſhould triumph, and Oppreſſion reign;
Yet Gallway *long 'gainſt Numbers kept the Field,*
Numbers by Mars *led on, by* Jove *upheld,*
With Fury ſo heroically great,
Repel'd the Torrent, and diſputed Fate.

Digitized by Google

So well the Chief *and* Soldier *did maintain,*
That Victory was partial long in Vain;
The Gods ſuſpected much their own Decree,
And Fate grew doubtful of her Deſtiny.
Thy honeſt Wounds will teſtify thy Fame,
And ſhew, tho' Fortune waves, that thou'rt the ſame.
Wounds deck the Heroe with diſtinguiſh'd Grace,
And write the beſt Encomium in his Face.
From thoſe red Monuments of Fame, we're taught
To think of nothing, but how Gallway *fought.*
We view no more Almanza *with Regret,*
But in his Deeds, our Country's Loſs forget.
The Painter's Pencil may, with artful Care,
Nicely deſcribe the Prelude of a War,
Or ſet the Heroe in a glorious Light,
Eager of Fame, and burning for the Fight:
But who can tell thy Vigilance and Pain
That fill'd thy Breaſt, and work'd thy lab'ring Brain,
Buſy to act the General's better Part,
And to ſupply the want of Force with Art?
What Hand can paint thoſe unexampl'd Toils,
That mock'd the Victor's Arms, and ſham'd his Spoils?
That could retrieve that gallant ſlaughter'd Hoſt,
Which Britiſh *Arms* unaided, *had not loſt?*
Berwick *could now more humble Thoughts endure*
In Victory it ſelf, but ill ſecure
The Conqu'ror's Wreath he drop'd, and bluſh'd to own
The fruitleſs Trophies he ſo late had won.
Is this the Harveſt which my Laurels bear,
And do my boaſted Triumph's vaniſh here?
Are theſe th' Effects of ſlaughter'd Foes? He ſaid.
Thus Pyrrhus *vanquiſh'd, and thus* Pyrrhus *fled.*
What means this Riddle in the conqu'ring Cauſe?
Or ſure my Fancy gives my Judgment Laws,
And never ſuch a Scene of Triumph roſe,
Or Hydras *are renew'd in* Britiſh *Foes;*

Or

Or ſome nocturnal Fancy France *deceives,*
And decks my Brow with viſionary Wreaths.
Not ſo. Unerring Gallway's *prudent Aim*
Retards the Progreſs of my growing Fame:
He ſtill determins all Events in one,
To croſs my Meaſures, and advance his own;
And as to Nutriment Men Poiſon turn,
Makes ev'n malignant Planets kindly burn.
Such Praiſe I muſt (however too ſevere
The Sound may prove in Royal Philip's *Ear)*
On my great Adverſary's Worth beſtow,
And love the Warrior, tho' I hate the Foe.
He ſpoke, and did the adverſe Chief behold,
With Valour Cautious, and with Caution bold;
Buſy his ſhatter'd Legions to repair;
And give a diff'rent Proſpect to the War;
Induſtrious each commodious Ground to gain,
And watchful to redeem Almanza's *Plain.*
So when fierce Hannibal *(his Foes o'ercome)*
Inſulted Italy, *and threaten'd* Rome,
The wary Fabius, *with deluſive Wiles,*
And cunning Feints, the Conqueror beguiles;
Watchful and wiſe, diverts impending Fate,
And by delaying well, *preſerves the State.*
Homer, *who beſt of Poets underſtood,*
To temper Heroes, or to form a God,
Makes bold raſh Heat to cooler Conduct yield,
And Hot-ſpur Mars *to* Pallas *quit the Field.*

I am likewiſe to account for another Omiſſion in the Courſe of this Hiſtory; which is that of the Death of the Lord *Halifax*'s Lady; upon whoſe Deceaſe, his Lordſhip took a Reſolution of living ſingle thence forward, and caſt his Eye upon the Widow of one Colonel *Barton*, and Neice to the famous Sir *Iſaac Newton*, to be

Super-intendant of his domeſtick Affairs. But as this Lady was young, beautiful, and gay, ſo thoſe that were given to cenſure, paſs'd a Judgment upon her which ſhe no Ways merited, ſince ſhe was a Woman of ſtrict Honour and Virtue; and tho' ſhe might be agreeable to his Lordſhip in every Particular, that noble Peer's Complaiſance to her, proceeded wholly from the great Eſteem he had for her Wit and moſt exquiſite Underſtanding, as will appear from what relates to her in his Will at the Cloſe of theſe Memoirs.

To return to the more ſhining Paſſages of this important Life, the 9th of *April* 1713, being appointed for the Meeting of the Parliament, which had been from Time to Time prorogu'd 'till then, the Queen came to the Houſe of Peers, and, amongſt other Things, told them, *That her Plenipotentiaries at* Utrecht *had ſign'd the Treaty of Peace with* France; *and that the Ratifications would be exchang'd in few Days, &c.* Hereupon the Duke *of Beaufort*, after the Commons were return'd to their Houſe, made a Motion for an Addreſs of Thanks, as uſual, which occaſion'd a ſmall Debate: Not that there was any Lord that argu'd againſt giving her Majeſty Thanks for her Speech, but Exceptions were rais'd againſt the Expreſſion in it, of a *General Peace*; and the Lord *Halifax*, in particular, declar'd, *It could not be general, ſince the Emperor, the Elector of* Hanover, *and the other Princes and States of the Empire, had not then come into it.* When it was given in Anſwer, on the Side of the Court, by the Lord Treaſurer and the Duke of *Buckinghamſhire*, 'That indeed the Peace was 'not *Univerſal*, but that it might juſtly be call'd

'*General*,

Digitized by Google

'*General*, since the *Major* Part of the Allies had 'sign'd it.' Which Point being, after some Struggle, conceded, a Motion was made by the Lord before-mention'd, 'That in the Address of 'Thanks, a Clause might be inserted, wherein 'it was requested, That her Majesty would be 'pleas'd to lay before the House the Treaties of 'Peace and Commerce.' But the Question being put thereupon, after several learned Speeches for and against it, wherein the Earl *Poulet*, and Lord *Guernsey* very happily distinguish'd themselves by opposing it, and the Duke of *Devonshire* and Lord *Halifax*, by defending it, it was carry'd in the Negative by a Majority of 74 Voices against 43, so that the Address of Thanks was drawn up, and presented without the said Clause.

The next Debate of any great Notice in the House of Lords, was that in which it was attempted to have declar'd the Union between the two Kingdoms of *England* and *Scotland* void, which her Majesty had so much at Heart, as to call it the greatest Glory of her Reign. The Bill to lay an equal Tax upon Malt in both Kingdoms, had pass'd the House of Commons, and had made the same Progress thro' that of the Peers, who seem'd inclinable to hearken to the Lord *Halifax's* Arguments against it, by representing, 'That the Duty of Six-Pence *per* Bushel upon 'Malt, would be an insupportable Burthen to '*Scotland*, by Reason of the vast Disproportion 'between the *English* and *Scotch* Malt, both in 'Goodness and in Price, almost double the 'Quantity of the latter being necessary to make 'Drink of equal Strength with the former; and 'the Bushel of Malt which was sold for two

'Shillings

'Shillings and three Pence in *London*, not bear-
'ing above the third Part of that Price in
'*Scotland*;' but look'd upon it not to be their Province to alter a Money-Bill, and ſo paſs'd it. The Endeavours of the *Scotch* Members in the Houſe of Commons, for eaſing their native County of Part of that Tax, having thus prov'd fruitleſs, they had ſeveral private Meetings with the Peers of that Nation ſitting in Parliament, and conſulted together how to redreſs their Grievances. For this End, they deputed four of their Number, *viz.* two of each Order, the Duke of *Argyle*, the Earl of *Mar*, Mr. *Lockhart*, and Mr. *Cockburn*, who attended the Queen, and by Word of Mouth, remonſtrated to her Majeſty, 'That their Country-men bore with great
'Impatience the Violation of ſome Articles of
'the *Act of Union*; and that laying ſuch an
'inſupportable Burthen as the Malt-Tax upon
'them, was like to raiſe their Diſcontents to
'ſuch a Height, as to prompt them to declare
'the Union diſſolv'd.' To this unexpected and verbal Remonſtrance, her Majeſty was pleas'd to anſwer, *That ſuch a Reſolution was very precipitant, and ſhe wiſh'd they might not have Reaſon to repent it; but however, ſhe would endeavour to make all Things eaſy.* Therefore the *Scotch* Members aforeſaid, having met according to Appointment the next Day, it was unanimouſly agreed to refer what they had made Complaint of, to the Houſe of Lords.

Accordingly, on *Tueſday* the 28th of *May*, the Earl of *Seafield* (ſince *Finlater*, by the Death of his Father) made a Motion in that Illuſtrious Aſſembly, That ſome Day might be appointed to conſider the State of the Nation. Whereup-

Digitized by Google

on *Mond.* the 1ſt of *June* following was appointed, when the Debate commenc'd, and was open'd by the noble Peer that had firſt made the Motion, and who repreſented the Grievances of the *Scotch* Nation, under the following Heads: '*Firſt*, 'Their being depriv'd of a Privy-Council. *Se-*'*condly*, The Laws of *England*, in Caſes of High-'Treaſon, extending to *Scotland*. *Thirdly*, The '*Scotch* Peers being incapable of being made 'Peers of *Great Britain*, as had been adjudg'd 'and declar'd, in the Caſe of the late Duke of '*Hamilton*. *Fourthly*, That the *Scots* being 'ſubjected to the Malt-Tax, would be the more 'inſupportable to them, then, for as much as 'they never bore it during the War, and had 'Reaſon to reap and enjoy the Benefits of Peace: '*Concluding*, 'That ſince the Union between the 'two Nations, had not thoſe good Effects as were 'expected, and hop'd from it, when it was made, 'he therefore mov'd to bring in *a Bill for diſ-ſolving the ſaid Union, and ſecuring the Proteſtant Succeſſion in the Houſe of* Hanover; *for ſecuring the Queen's Prerogative in both Kingdoms, and preſer-ving an entire Amity and good Correſpondence be-tween the two Kingdoms.* This Motion was ſecond-ed by the Earl of *Mar*, and oppos'd by the Lord *North and Grey*, who affirm'd, 'That the Com-'plaints of the *Scots* were groundleſs, and the 'Diſſolution of the Union impracticable; and 'ſaid, *That tho' the* Engliſh *Nation, in Return for 'vaſt Sums expended on that Account, had got lit-'tle or nothing by it, but Opportunities of being far-'ther ſerviceable to a barren and depauperated Coun-'try, he was for the Continuance of it*: And when 'the Lord *Halifax* took Notice of that Part of 'his Speech, which pointed at the Poverty of

the

'the *Scotch* Nation, and allow'd them to be poor, 'and therefore unable to pay the *Malt-Tax*;' his Lordship went on, and insisted, *That it was nothing but what was stipulated by the Treaty of Union.* The sixteenth Article of which, imported, *That* Scotland *should not be charg'd with any Imposition on Malt during the War* only, *which then was at an End.* The Earl of *Isla* confess'd there was such a Clause, but that the same Article imply'd, 'That seeing it could not be suppos'd 'that the Parliament of *Great Britain* would 'ever lay any sorts of Burthens upon the Uni-'ted Kingdoms, but what they should find of 'Necessity at that Time, for the Preservation 'and Good of the whole, and with due Regard 'to the Circumstances and Abilities of every 'Part of the United Kingdoms; therefore it 'was agreed, that there should be no farther 'Exemptions insisted on, for any Part of the 'United Kingdoms, but that the Consideration 'of any Exemptions beyond what was already 'agreed on in this Treaty, should be left to the 'Determination of Parliament.' To this he added, *That when this Treaty was made, the* Scots *concluded, and had all the Reason in the World so to do, that the Parliament of* Great Britain *would never go about to lay any Imposition, that they should have Reason to believe would be burthensome*; and set forth their Inability to pay the Malt-Tax. Hereupon the Earl of *Peterborough* stood up, and made a long and very pathetick Harrangue, wherein he shew'd the Impossibility of dissolving the Union; and said, among other Things, 'That he had heard the Union com-'par'd to a Marriage; that according to that 'Notion, since it was made, it could not be 'broke;

Digitized by Google

'broke, being made by the greateſt Power upon Earth: That tho' ſometimes there happen'd 'a Difference between Man and Wife, yet it 'did not preſently break the Marriage: So 'in like manner, tho' *England*, who in this Na-'tional Marriage, muſt be ſuppos'd to be the 'Huſband, might, in ſome Inſtances, have been 'unkind to the Lady, yet ſhe ought not pre-'ſently to ſue for a Divorce; the rather, be-'cauſe ſhe had very much mended her Fortune 'by the Match: *Adding*, That the Union was a 'Contract, than which nothing could be more 'binding. To this, the Lord *Halifax* reply'd, *That if the* Union *had the ſame Sanction as* Mar-riage, *which was an Ordinance of God, he ſhould be for obſerving it as* Religiouſly *as that; but that he thought there was a great Difference.* When his Lordſhip of *Peterborough* return'd for Anſwer, 'That he could not tell how it could be more 'ſolemn than it was, except it was expected 'that it ſhould have come down from Heaven 'like the Ten Commandments; animadverting in the Concluſion, on the *Scots*, as People that could never be ſatisfy'd; that would have all the Advantages of being united to *England*, without the Inconveniencies: That they would pay no Taxes at all by their good Will; and that ſome of them had more Money from *Eng-land*, than all their Eſtates amounted to in their own Country.

The Duke of *Argyle*, who had juſt Grounds, tho' of large Poſſeſſions in *Scotland*, to imagine himſelf hinted at in the Cloſe of his Lordſhip's Speech, on Account of his great Employments, ſpoke next, after a very handſome, but warm Manner, ſaying, *That he was by reflected on, as if*

Digitized by Google

he was diſguſted, and had chang'd Sides; but that he had as mean an Opinion of their Perſons, as he had of their Judgments: That it was true, he had a great Hand in making the Union: That the chief Reaſon that mov'd him to it, was, the ſecuring the Proteſtant Succeſſion; *but that he was ſatisfy'd that might be done as well then, if the Union were diſſolv'd: That he ſpoke as a Peer of* England, *as well as* Scotland: *That he believ'd in his Conſcience, 'twas as much for the Intereſt of* England, *as of* Scotland, *to have it diſſolv'd; and if it were not, he did not expect long to have either Property left in* Scotland, *or Liberty in* England. He likewiſe urg'd, *That the Tax upon Malt in* Scotland, *was as unequal (tho' the ſame as in* England) *as Taxing Land by the Acre; which would be very unjuſt, the Land being worth five or ſix Pounds* per *Acre about* London, *and not ſo many Shillings in ſome Parts of the Country: That this was the Caſe between the* Engliſh *and* Scotch *Malt, the former being worth three or four Shillings the Buſhel, the other not above one; ſo that if that Tax was to be collected in* Scotland, *it could be done no otherwiſe than by a Regiment of Dragoons.*

The Lord *Halifax* back'd his Grace, and declar'd, 'That the End of the Union, was the 'cultivating ſtrict Amity and Friendſhip be'tween the two Nations; but averr'd, that the 'Tax upon Malt was ſo far from having that 'Effect, that he was well aſſur'd the Animo'ſities between them, were riſen to a greater 'Height than before the Union: That it might 'be eaſily prov'd, by many Inſtances, that ſome 'Perſons agreed better when they were aſun'der, than when together; and for that Reaſon 'he believ'd, if the Union were diſſolv'd again,

'the

Digitized by Google

'the two Nations would in all Probabily be 'better Friends.

On the other Hand, the Lord *Trevor* gave it as his Opinion, 'That ſuch a Diſſolution 'was hardly poſſible to be made, and not only 'ſet forth the whole Tenor of the Act, but the 'Reaſons on which the Union was founded, 'and the great Advantages that aroſe from it 'to the two Nations, eſpecially *Scotland*, which 'made it appear to a Demonſtration, that the '*Scots* had no Grounds for Complaint, much leſs 'for carrying Things ſo high as they were then 'attempting. The Lord High Treaſurer likewiſe ſaid, 'That the Earl of *Seafield*'s Motion 'was no leſs ſtrange, than unexpected: That the 'Union being made by two diſtinct Parliaments of both Kingdoms, he did not ſee how 'it could be diſſolv'd, now the two Nations were 'in different Circumſtances from what they were 'in, when it was made, becauſe the Power 'that made it, was no more in Being; and nothing could make it void, but the Power that 'created it: *Concluding*, That if the *Scots* had 'any Grievances to complain of, there might 'be ſome other Methods found out to redreſs 'them, without proceeding by ſuch an extraordinary Way, to the Diſſolution of the UNION, 'which had been made in ſo ſolemn a Manner, 'and brought about at laſt with ſuch Difficulty, 'after ſo many ſucceſsleſs Attempts in former 'Reigns.

The Earl of *Nottingham* made Reply to theſe Allegations, and after having repreſented 'The 'Advantages of the UNION, if the Views 'with which it had been made, had been ſteadily purſu'd," in the moſt *polite* and *fluent*

Digitized by Google

Language, of which he must be acknowledg'd to be a very great Master, said, *That the two Nations were at that Time in other Circumstances than when the* UNION *was made, yet the same Power that was in the two Parliaments when they were separated and distinct, was lodg'd in them now they were consolidated; and therefore if they had Power to make it, they certainly had to dissolve it: And that he knew not any Thing but what the Parliament was capable of, except destroying the Constitution then in being, which he own'd they had not Power to abolish: That the Inconveniencies which had attended the Union, could not be foreseen 'till a Tryal was made: And since the* Scots, *who were the best Judges of the Affairs of their Kingdom, found that it did not answer the Ends propos'd, he was for dissolving it.* The Lord Viscount *Townshend* said, 'He was of the same Opinion, provided 'Means could be found to secure the *Protestant* 'Succession without it; and therefore desir'd to 'know what Security the *Scots* could give for 'that essential Point, before they proceeded any 'farther. When some of the *Scotch* Peers answer'd, *That would appear when the Bill should be brought in: That then it was a proper Time to shew what Security they could give*; and therefore mov'd, that the Question might be put immediately, *Whether a Bill should be brought in, or no?*

But the Earl of *Nottingham* propos'd to the House, 'That another Day might be appointed 'to consider farther of a Matter of such Conse-'quence, in order to their Lordships being bet-'ter appriz'd of the Motives for and against it. 'The Lord *Halifax* likewise declar'd, 'He 'should vote with those that were for dissol-'ving the Union, provided it could be made 'appear,

Digitized by Google

'appear, that the Succeſſion could be ſecur'd; 'but yet ſaid it was more adviſeable in his 'Judgment, That a farther Day ſhould be ſet 'for taking ſo important a Matter into Con'ſideration. The Earls of *M*— alſo and *L*——, who were before for putting the Queſtion immediately, were better ſatisfy'd by his Lordſhip's Reaſons, and gave their Voices for putting it off to another Time. There were ſeveral other Speeches made both by *Engliſh* and *Scotch* Peers; and it was remarkable, that when one of the former urg'd, *The Danger that* England *would be in from the Pretender, ſhould the Union be diſſolv'd*, the Lord *Halifax* anſwer'd, 'He could not tell what *England* had to fear 'from that or any other Incident; and that 'the Queen, Lords, and Commons, if all in 'one Intereſt, need to fear no Enemy in the 'World, but ought to deſpiſe the Pretender and 'all his Abettors. Upon the whole Matter, the Court-Lords were all againſt diſſolving the Union, except the Earl of *Mar*, and one or two more, and agreed, 'That the very moving 'ſuch a Thing, was dangerous, and might be 'of the worſt Conſequence, and therefore were 'for putting ſuch an effectual Stop to it, and 'that inſtantly, that no one might ever offer 'at any ſuch Thing again. While the *Scotch* Lords made no Difficulty of ſaying, *That if the Union were not diſſolv'd, their Country would be the moſt miſerable under Heaven.* In fine, the Queſtion was at laſt put, after various Arguments for, and againſt it, and carry'd in the Negative by four Voices, their being 54 Lords preſent on each Side, and 17 Proxies for the Negative, and only 13 for the Affirmative.'

This

Digitized by Google

This Seſſion of Parliament, which was to be the third and laſt, drew towards a Concluſion; and the *Whig-Lords* had nothing to do, after the Houſe of Commons had flung out the *Bill* for making more effectual the eighth and ninth Articles of the Treaty of Commerce, but to do what in them lay to ſecure Liberty and Property, as well as Trade, and if poſſible, render the *Tory-Party* ſuſpected of being in the Intereſt of the Pretender. Upon a Motion therefore from the Earl of *Wharton*, 'That an Addreſs ſhould 'be preſented to her Majeſty, that ſhe would 'be pleas'd to uſe her moſt preſſing Inſtances 'with the Duke of *Lorain*, and with all Princes 'and States in Alliance with her Majeſty, 'that they would not receive, or ſuffer to con-'tinue within any of their Dominions, the 'Pretender to the Imperial Crown of theſe 'Realms, which the *Tories*, who ſmelt out the Intention of it, made no manner of Oppoſition 'to; the Lord *Halifax* back'd his Lordſhip, and ſaid, *That ſince the Pretender had begun his Studies in* France, *it was but fitting that he ſhould end them at* Rome. And when the Queen, in her Anſwer to their Addreſs, ſaid only, *She ſhould repeat her Inſtances to have that Perſon remov'd, according to their Deſire*, his Lordſhip again declar'd to the Houſe, 'That he never heard of any Inſtances that 'had been yet made to the Duke of *Lorain*, 'for the Removal of the Pretender out of his 'Dominions; and therefore made a Motion for another Addreſs, wherein it was ſpecify'd, *That the Houſe of Peers would ſtand by her Majeſty, and ſupport her in whatever ſhe ſhould think proper for obtaining the foregoing Demand*; the Reply to which, was, 'That her Majeſty was gra-'ciouſly

Digitized by Google

ciouſly pleas'd to receive the ſame; ſo that the Parliament concluded, with no other Satisfaction to the Party, who was for *carrying on the War 'till a ſafe, honourable, and laſting Peace could be made*, than of being preſented each of them with a Gold Medal, in Memory of the Peace of *France*, which they had oppos'd.

When Royal Writs having been iſſu'd out from Court, for the Choice of a new Parliament, the two contending Parties ſet themſelves heartily at work to promote their reſpective Intereſts. But notwithſtanding thoſe that eſpouſed the Good of their QUEEN and Country, and had at Heart the Honour of the one, and the Advantage of the other, made as noble Efforts and Stands as had been known at any former Elections; tho' no Aſſiduity was wanting on their Side, to open the Eyes of thoſe who had it in their Choice to ſave their Country from impending Ruin, in the Impoveriſhment of the Subjects, by the Decay of Trade, and the Surrender of its moſt valuable Branches, into the Hands of a defeated Enemy; yet ſuch was the Power of a certain *White-Staff*, when the Flood-Gates of the Treaſury were open'd, that the Counties, Cities, and Boroughs of the United Kingdom, for the moſt Part ſent up ſuch Repreſentatives as were almoſt ready to come into any Meaſures that ſhould be preſcrib'd to them from the Throne: So that if thoſe at the Helm, had Reaſon to be ſatisfy'd with the Proceedings of the foregoing Parliament, they had no leſs Cauſe for Joy in the Choice of this, which being for the Generality compos'd of the ſame Members, could not be as much

Digitized by Google

much as ſuſpected for Non-adherence to the ſame Principles.

The Time of their Meeting, as the Teſt of the above-mention'd Writs ſignify'd, was to have been the 12th of *November* 1713; but whether the Miniſtry were not ſufficiently appriz'd of the Majority, which their Creatures had in the Houſe of Commons, and therefore took a longer Day to gain over a greater Number of Dependents; or whether, as their Friends report, it was not neceſſary to commence the Seſſion, before the laſt Hand was put to the Treaty at *Utrecht*, between *Great Britain* and *Spain*, both Houſes were prorogu'd, *de Die in Diem*, 'till the 16th of *February* $17\frac{13}{14}$; when, by Reaſon of the Queen's Indiſpoſition, who approv'd the Commons Choice of a Speaker by Commiſſioners on the 18th following, they adjourn'd themſelves from Time to Time, to the ſecond of *March*, whereon her Majeſty told them, 'That ſhe could with great Satisfaction 'aſſure them, that the Ratifications of the Trea-'ties of Peace and Commerce with *Spain*, had 'been exchang'd, by which her Subjects would 'have greater Opportunities than ever, to im-'prove and extend their Trade; and that no-'thing ſhould be wanting on her Part, to 'make the Peace univerſal. *To this, her Ma-jeſty added*, after her Wiſhes, 'That effectual 'Care had been taken to ſuppreſs ſeditious Pa-'pers; That there were ſome who were ar-'riv'd at that Height, as to inſinuate, that the 'Proteſtant Succeſſion in the Houſe of *Hanover*, 'was in Danger under her Government; and 'to go about to diſtract the Minds of Men with 'imaginary Dangers, meaning to diſturb the

Digitized by Google

'preſent Tranquility, and to bring real Miſ-
'chiefs upon us. *Concluding*, That a long War
'had not only impoverith'd the Publick, *(how-*
'*ſoever ſome particular Men had been Gainers*
'*thereby)* but had alſo greatly affected Govern-
'ment it ſelf; and that as ſhe had the Con-
'currence of the laſt Parliament, in making
'the Peace, ſo it would be for the Honour of
'this, to aſſiſt her in obtaining ſuch Fruits
'from it, as might not only derive Bleſſings
'on the preſent Age, but even down to the
'lateſt Poſterity.

The Reſpect that is due to the Aſhes of a dead Sovereign, cauſes me to forbear any Thing that may caſt the leaſt Reflection upon ſo good and gracious a Princeſs, tho' the ſeveral Branches of the foregoing Speech, being nothing but the Reſult of her Miniſter's Advice, (without any Imputation of not paying a juſt Deference to Crown'd Heads) might, in the Language of our News-Writers, *give Birth to various Speculations*, eſpecially that concerning the *Treaty of Peace and Commerce with* Spain, which has been made appear to be far ſhort of thoſe Advantages that might have been obtain'd, by carrying on the War to a longer Duration againſt that Kingdom. As for that Article in it, that concerns ſuch as inſinuated the Proteſtant Succeſſion in the Houſe of *Hanover*, to be in Danger, a ſucceeding Debate againſt Mr. STEELE, (now Sir *Richard*) a Member for *Stockbridge*, in the Houſe of Commons, for a certain Book of his call'd the *CRISIS*, &c. will diſcover whom it was levell'd at; and as for thoſe who gave it as their Opinion, that ſhe ſhould complain againſt them with Warmth, it will be no Breach

Digitized by Google

of good Manners, to say they may be easily pointed at. But Matters of Fact rather suit an Historian, than any Things, howsoever true in themselves, that have the least Appearance of Conjectures. Let it suffice therefore, that the Queen being retir'd, and the Commons gone back to their House, the Lords voted an Address of Thanks *Nemine Contradicente*, for her Majestys most Gracious Speech. This was no sooner done, but the Lord *Wharton*, back'd by the Lord *Halifax*, (who knew this was the only Means to prevent the intended Censure of the House of Commons, against his Friend Mr. *Steele*, and ingratiate the Party he was of, with the 16 *Scotch* Members) out of a just Regard to one Branch of it, that related to the Suppression of seditious Papers, *&c.* made a Complaint to the House against a scandalous Libel, entitled, *The* PUBLICK SPIRIT *of the* WHIGS, *set forth in their generous Encouragement of the Author of the* CRISIS, *with some Observations on the Seasonableness, Candor, Erudition, and Stile of that Treatise. Printed for* John Morphew *near* Stationers-Hall, 1714. Wherein the Author having made some light and cursory Reflections on Mr. *Steele*, who had written the Pamphlet this Libel was levell'd at, (occasionally on the Earl of *Nottingham*) *and on the implicit Munificence of a huge Train of Dukes, Earls, Viscounts, Barons, Knights, Esquires, Gentlemen, and others, who subscrib'd to the* Crisis, pretended to examine the Production it self; which Examination was intermix'd with several scurrilous Reflections upon the Persons concern'd in advancing the Union between the two Kingdoms, and contain'd very Ungentleman-like Expressions concerning

Digitized by Google

cerning the Poverty of the *Scotch* Nation in general; and compar'd that Country *(England)* with which it was incorporated, *to a Perſon of Quality that had been prevail'd upon to marry a Woman much his Inferior, and without a Groat to her Fortune.* The Author of it likewiſe had the Aſſurance to affirm therein, 'That the 'Penſions and Employments poſſeſs'd by the 'Natives of that Country, (meaning *Scotland)* 'now among us, amount to more than the whole 'Body of their Nobility ſpent at Home; and 'that all the Money that was rais'd there upon 'the Publick, was hardly ſufficient to defray 'their Civil and Military Liſts. *He alſo ſaid,* 'he could point out ſome *with great Titles,* who 'affected to appear very *vigorous for diſſolving 'the Union,* tho' their whole Revenues before 'that Period, would have ill maintain'd a 'WELSH JUSTICE of the Peace, and had 'ſince gather'd more Money than ever any '*Scotch*-man, who had not travell'd, could form 'an Idea of.

However, this Enquiry, with what Vigour and Juſtice it was purſu'd, had not its deſir'd Effect, either the one way or the other; for tho' the Lord *Halifax* repreſented, with all the Strength of Reaſon imaginable, 'That it 'was the higheſt Inſult that could poſſible be 'done to one of the moſt ancient Kingdoms 'in the World, and to a Nation which had the 'Honour to give Monarchs to *England.*" And when the Perſons under Examination for handing the ſaid Libel to and from the Preſs, *(Barber* and *Morphew)* inſiſted upon their not anſwering any Queſtion, the Anſwer to which might tend to accuſe themſelves, or to cor-

Digitized by Google

raborate the Accuſation againſt them, ſaid, 'They had nothing to do either with the 'Publiſher or Printer; and that it highly con-'cern'd the Honour of that Auguſt Aſſembly, 'to find out the Villain who was the Author 'of that falſe and ſcandalous Libel, in order 'to do the *Scottiſh* Nation Juſtice. *And like-wiſe added*, 'That there were not wanting Per-'ſons, who had the Honour to ſit in that 'Houſe, that were too well acquainted with 'a certain Great Man's Veracity, not to ſuſ-'pect any Thing in him, rather than want of 'Knowledge, ſince it was whiſper'd about, that 'he who wrote the ſaid Pamphlet, had ſaid 'Grace more than once, and foul'd many a Plate 'at a Noble-man's Table, not a Mile from *York-'Buildings*," after the Lord High Treaſurer had proteſted, with much Gravity and Sanctity of Face, *That he knew nothing of him directly nor indirectly*; yet ſuch were the Counter-Practices of thoſe whoſe Buſineſs it was to have the Author conceal'd, that her Majeſty was pre-vail'd upon to take the Cognizance of that Affair into her own Hands, in one of her Courts at *Weſtminſter*; and on the 6th of *March* fol-lowing, the Earl of *Mar*, principal Secretary of State for *Scotland*, had it in Command to acquaint them, that Orders had been already given for the Proſecution of *John Barber*, &c. Three Days after, the ſaid *John Barber* and *Morphew* were, on their Petition, enlarg'd from their Confine-ment, the Lords reſolving at the ſame Time on an Addreſs to her Majeſty, by the Motion of the Lord *Halifax*, *to iſſue out her Royal Pro-clamation, with a Reward for the Diſcovery of the Author of the above-mention'd Libel.*

Nor

Digitized by Google

Nor did the Miniſtry, how deeply ſoever ſome of them were thought to be engag'd in that Affair, offer to give any Obſtruction to this Method of Diſcovery; for a Proclamation was made publick the ſame Day on which the Addreſs was preſented, whereby a Reward of three hundred Pounds was promis'd to be paid to ſuch as ſhould diſcover the Author of the aforeſaid Libel, payable by the Lord Treaſurer. Notwithſtanding which, no Diſcovery was made.

On *Wedneſday* the 17th of *March* following, the Day after Mr. *Steele* had the Honour to be expell'd the Houſe of Commons, for aſſerting the Rights of the *Engliſh* Nation, and the *Hanover* Succeſſion, the Lords enter'd into Debates concerning the State of the Nation, and the Lord *Halifax* and ſome other Peers, having repreſented 'the Danger that threaten'd the Pro-'teſtant Succeſſion in the Electoral Houſe of 'Hanover, by reaſon of the Pretender being 'not then remov'd from *Lorain*, and the ill 'Condition the Affairs of *Europe* were left in 'by the laſt Treaties of Peace, mov'd, *That Addreſſes ſhould be preſented to her Majeſty, that the proper Officers might be directed to lay before that Houſe*, Firſt, *An Account of what Steps had been taken for removing the Pretender from the Dominions of* Lorain, *purſuant to the Addreſſes of both Houſes of the laſt Parliament, and what Anſwers had been given to her Majeſty, or any of her Miniſters.* Secondly, *An Account of the Negociations of Peace; what Meaſures had been taken to render the Peace univerſal; and what Obſtructions her Majeſty had met with therein.* Thirdly, *An Account of the Inſtances that had been made for reſtoring*

ſtoring to the Catalans *their ancient Privileges, and all Letters relating thereunto.* Fourthly, *An Account of the Moneys granted by Parliament ſince the Year* 1710, *to carry on the War in* Spain *and* Portugal. Which Addreſſes were accordingly preſented.

After this, the Lord High Treaſurer mov'd for Leave to bring in a Bill, *for the farther Security of the* Proteſtant Succeſſion, *by making it High Treaſon to bring any foreign Troops into the Kingdom.* But the Lord *Halifax* foreſeeing the Drift of ſuch a Bill, and that it pointed againſt the Guarantees of the Act of Settlement, made Anſwer, *That if his Lordſhip meant* French *Forces, he ſhould readily concur with him, but he could by no means give into a Reſolution that ſhould, by ſetting aſide the Barrier-Treaty, annul that Act it ſelf.* Whereupon that Motion was drop'd, not without ſevere Reflections, both in, and out of the Houſe.

Two Days after, the Peers reſum'd the Conſideration of the State of the Nation; and the Lord *Halifax* in particular, ſpoke again, 'In 'Favour of the poor *Catalans*; and at the ſame 'Time complain'd of the Favour ſhewn to the 'Pretender's Friends; took Notice of the great 'Debts due to the Navy, tho' there had been 'nothing done at Sea for two or three Years 'paſt; and mov'd, that Addreſſes might be pre'ſented to her Majeſty, that ſhe would be 'pleas'd to order the proper Officers, *Firſt*, To 'lay before the Houſe, *An Account of the Debts, 'and State of the Navy. Secondly*, An Account of '*Noli Proſequi*'s granted ſince her Majeſty's Ac'ceſſion to the Crown. And, *Thirdly, A Liſt of 'Perſons Outlaw'd, Attainted*, or that had been in

'the

'the Service of her Majesty's, or the late King's 'Enemies, who had Licenses to return into 'Great Britain, or other her Majesty's Dominions, since the Year 1688. After which, the said Addresses being agreed to, upon a Motion for adjourning, his Lordship, who design'd to prosecute with Vigour the above-mention'd Enquiries, propos'd to adjourn only for 2 or 3 Days; but the Lord Treasurer having very demurely and devoutly represented, That the following Week, which was *Easter*, ought, according to the Institution of the Church, to be set apart for Works and Exercises of Piety, it was carry'd by a Majority of 66 Voices, against 43, that the House should adjourn till *Wednesday* the 31st of *March*.

Their Lordships being met again on the Day last mention'd, the Lords with the *White Staves* gave them to understand, That the Queen had been pleas'd to order the Papers for which they had address'd her, to be laid before them; but that it requir'd some Time to transcribe them. Upon which, the House came into a farther Adjournment, to the second of *April* following, when several Papers relating to the *Catalans*, being read, the Lord *Halifax* declar'd, *That the Crown of* Great Britain *having drawn in the* Catalans *to act in Favour of the House of* Austria, *and engag'd to succour and support them, those Engagements ought to have been made good*; and was answer'd by the Lord High Treasurer, 'That her Majesty had us'd her best Endeavours to procure to the *Catalans* the Enjoyment of their ancient Rights and Privileges. 'But that after all the Engagements her Majesty was enter'd into, subsisted no longer than

Digitized by Google

'while King *Charles* was in *Spain*; but that 'Prince being advanc'd to the Imperial Dig-'nity, and having himself abandon'd the *Ca-'talans*, her Majesty could do no more than 'interpose her good Offices in their Behalf, 'which she had not been wanting to do. To which it was reply'd by his Lordship, who spoke before the said Earl, *That God Almighty had put more effectual Means into her Majesty's Hands.* When, after some other Speeches, the Lord *Cowper* mov'd for an Address, importing, 'That 'her Majesty's Endeavours for preserving to 'the *Catalans* the full Enjoyment of their an-'cient Liberties, having *prov'd ineffectual*, their 'Lordships made it their Request to her Ma-'jesty, that she would be graciously pleas'd to 'continue her Interposition, in the most pressing 'Manner, in their Behalf.

Now, of the Peers who oppos'd this Motion, only the Lord Chancellor *Harcourt*, in Justifi-cation of all that had been done by the Mi-nistry, said, *Their Address would, in all Probabi-lity, be more grateful to her Majesty, if the Word* ineffectual *were left out, and they should only thankfully acknowledge her Majesty's Endeavours in favour of the* Catalans: Which was approv'd, and accordingly presented to the QUEEN, and receiv'd for Answer,

My Lords,

I *Heartily thank you for this Address, and the Satisfaction you express in the Endeavours I have us'd for securing the* Catalans *their just Li-berties.*

Digitized by Google

At the Time I concluded my Peace with Spain, *I reſolv'd to continue my Interpoſition, upon every proper Occaſion, for obtaining thoſe Liberties, and to prevent, if poſſible, the Misfortunes to which that People are expos'd, by the Conduct of* thoſe *who are* more nearly concern'd *to help them.*

This Anſwer, when reported by the Lords that brought it, was not taken in good Part, in particular, by the Lord *Halifax*, and others, who knew that the Emperor, who was reflected upon in it, was under an unavoidable Neceſſity of purſuing the Steps he took in the Evacuation of *Catalonia*; but however, the Majority of the Houſe being in the Intereſt of thoſe Miniſters, who had adviſ'd her Majeſty to recal her Troops from thence, it was not thought proper to enter into any Debates about it.

The ſame Day upon which their Lordſhips Addreſs was preſented, they read ſeveral Papers that had been laid before them, in Relation to the Treaties of Peace, and reſolv'd, at the Motion of the Lord *Halifax*, to go again upon the State of the Nation, on *Monday* the 5th of *April* following. Accordingly that Day, ſeveral Speeches were made on both Sides, in Relation to the Treaties of Peace in general, and to the Proteſtant Succeſſion in the Houſe of *Hanover* in particular: After which, the Queſtion was put, *Whether that Succeſſion was in* Danger *under her Majeſty's Adminiſtration*, which occaſion'd a warm Debate, wherein his Lordſhip ſtruggled hard to have the Words *under her Majeſtys Adminiſtration*, left out of the Queſtion, 'out of 'Reſpect, *as he ſaid*, to her Majeſty, who was 'no ways concern'd in it; and if any Thing

Digitized by Google

' had been done amiſs, was no ways accountable, ' but by her Miniſtry." But the oppoſite Party, who took upon them to juſtify thoſe at the Helm, or at leaſt to ſcreen them under ſo ſacred a Protection as that of the Queen's Name, inſiſted, that the Words ſhould ſtand, and that the Queſtion ſhould be of a Peice with her Majeſty's Expreſſions in her Speech from the Throne, upon the ſame Subject; and they being the more numerous, carry'd it by a Majority of 13 Voices, *viz.* 77 againſt 64.

Beſides ſeveral ſmart Speeches that were made on both Sides, the moſt remarkable Circumſtance, was, that Sir *William Dawes*, the newly elected Arch-biſhop of *York*, in the Room of Dr. *Sharp* deceas'd, and the Earl of *Angleaſea*, ſpoke and voted againſt the Queſtion with the *Whig-Lords*, which added great Weight and Strength to that Side: The firſt drawing after him all the whole Bench of Biſhops, three only excepted, and the other being follow'd by ſix or ſeven Temporal Peers, who, like his Lordſhip, had, upon moſt Occaſions, voted with the Lords in the Court-Intereſt; ſo that the Victory which the latter gain'd, was owing either to the *Scotch Peers*, or the *New Creations*; and it was the general Opinion, that this ſeeming Advantage was, in Reality, a kind of actual Defeat, *and that one or two ſuch Victories would ruin the Vanquiſhers.*

To paſs over the Reflections which the Publick made upon this critical Tranſaction, we muſt proceed to take Notice, that after the Queſtion was carry'd as the Court-Lords would have it, his Lordſhip again mov'd, ' That an ' Addreſs ſhould be preſented to the Queen, ' that

Digitized by Google

'that ſhe would be graciouſly pleas'd to renew 'her Inſtances for the ſpeedy Removal of the 'Pretender from *Lorain*; and that her Ma'jeſty would likewiſe be pleas'd, in Conjuncti'on with the States General, to enter into the 'Guaranty of the Proteſtant Succeſſion in the 'Houſe of *Hanover*; and to invite alſo ſuch other 'Princes as her Majeſty ſhould think proper. His Lordſhip was ſeconded by the Earl of *Wharton*, who mov'd beſides, that in the ſaid Addreſs, *her Majeſty might be deſir'd to put out a Proclamation, promiſing a Reward to any Perſon, who ſhould apprehend the* Pretender, *dead or alive:* Which Motion was back'd by the Duke of *Bolton*, who inſiſted, *That the ſaid Reward might be ſuitable to the Importance of the Service.* No Peer ſaid any Thing in Oppoſition to theſe Motions; but it being late, ſome cry'd, *Adjourn, Adjourn*; but the other Party calling for the Queſtion, it was unanimonſly reſolv'd, that the ſaid Addreſs ſhould be preſented; and a Committee was thereupon appointed to draw it up. Before this memorable Debate commenc'd, the Lord *North* and *Grey* mov'd, that all the Strangers in the Houſe might withdraw, but was oppos'd by the Earl of *Wharton*, who deſir'd they might be permitted to ſtay, being ſeconded by the Lord *Halifax*, who ſaid, *It was for the Honour of that Houſe, not to be aſham'd or fearful of divulging what was ſaid in it.* But the noble Peer who made the firſt Motion, inſiſting upon it as conſonant to a ſtanding Rule of that Houſe all the Strangers were commanded inſtantly to retire, except the Baron *Scutz*, Envoy Extraordinary from *Hanover*, whoſe ſtanding behind the Throne with the Peers Sons, was wink'd

Digitized by Google

at, becauſe of the great Share his Maſter had in the Tranſactions of that important Day.

On the Report of the Addreſs above-mention'd, ſome Court-Lords mov'd, that the ſame might be mitigated; and among the reſt, the Lord *North and Grey* took upon him to ſhew 'the Barbarity of ſuch an Act, as the ſetting 'a Reward upon any One's Head, which, *be 'ſaid*, was an Encouragement of Murder and 'Aſſaſſination, and repugnant to, and abhorrent 'of *Chriſtianity*, the *Law* of *Nature*, and the *Laws* 'of all *Civiliz'd Nations*. To which Purpoſe his Lordſhip quoted ſome Paſſages out of *Grotius*, *Puffendorf*, and other learned Civilians; and repreſented in particular, 'how inconſiſtent ſuch 'a Procedure was, with the Honour and Dig-'nity of ſo auguſt an Aſſembly, in a Nation 'and Government fam'd for Lenity and Cle-'mency. *And in the Concluſion declar'd*, 'No 'Man had more Reſpect and Affection for the 'illuſtrious Houſe of *Hanover*, or would do 'more to ſerve them, than himſelf; but that 'their Lordſhips ought to excuſe him, if he 'would not venture Damnation for them. The Lord *Trevor* likewiſe ſpoke on the ſame Side, and affirm'd, *That what the noble Peer had ſpoken, was ſufficient to ſhew how inconſiſtent ſuch a Procedure was with* Chriſtianity, *and the* Civil Law, *and therefore he would confine himſelf to* our own Laws; *and if he knew, or underſtood any thing of theſe, he was confident they were as oppoſite to ſuch Proceedings, as the* Civil Law: *That he knew he did not ſpeak there as a Lawyer or Judge, but as a Peer; but he was ſo fully ſatisfy'd of our Law diſcountenancing all ſuch Proceedings, that if any ſuch Caſe ſhould come before him as a Judge,*

Digitized by Google

Judge, he ſhould think himſelf bound in Juſtice, Honour, and Conſcience, to condemn ſuch an Action as Murder; and therefore he hop'd the Supream Court of Judicature would not make a Preſident for encouraging Aſſaſſination. Little was ſaid in Oppoſition to theſe two Speeches, only that the Lord *Halifax* ſaid, 'Extraordinary Diſeaſes 'requir'd extraordinary Remedies; and that it 'was in the Pretender's own Breaſt not to run 'the Riſque of being *Aſſaſſinated*, provided he 'would not attempt to Land in any of her 'Majeſty's Dominions; ſince the Deſign of ap-'prehending him alive or dead, was only in 'that Caſe." Whereupon it was mov'd, firſt, *That the Reward ſhould be for apprehending and bringing the Pretender to Juſtice, in Caſe he ſhould Land either in* Great Britain *or* Ireland. Secondly, *That her Majeſty ſhould iſſue her Royal Proclamation, whenever her Majeſty ſhould think it neceſſary.* Upon a Diviſion, theſe Amendments were carry'd by a Majority of ten Voices; and ſome of the Lords, who, on the *Monday* before, voted with the *Whigs*, in particular the Earls of *Abingdon* and *Angleſea*, and ſeveral Biſhops thought fit to give their tacit Conſent to them by their Abſence from the Houſe.

But the Lord *Halifax* ſucceeded in another Motion which he made the ſame Day, for an Addreſs to be preſented to her Majeſty, 'That 'ſhe would be pleas'd to iſſue out her Royal 'Proclamation, for putting in Execution the Laws 'in Force againſt all Jeſuits, Popiſh Prieſts, and 'Biſhops, except thoſe belonging to foreign Mi-'niſters; as alſo againſt all ſuch as had born 'Arms againſt the late King *William* and Queen 'Mary, and her preſent Majeſty. Upon which Occaſion,

Digitized by Google

Occaſion, he made very ſevere Reflections againſt thoſe Perſons, *who being out-law'd for adhering to the late King* James *and the Pretender, had the Aſſurance, and were encourag'd not only to come over, but to appear here with a publick Character.* Whence the Lords came to the following Reſolutions, 1. *That no Perſon not included in the Articles of* Limerick, *and who had born Arms in* France *or* Spain, *ſhould be capable of any Employment, Civil or Military.* 2. *That no Perſon who was a natural born Subject of her Majeſty, ſhould be capable of ſuſtaining the Character of a publick Miniſter, from any foreign Potentate.* It may not be out of the way, to give the *Reader* to underſtand, that theſe Reſolutions were made with an Eye to Sir *Patrick Lawleſs*, who having been in the Service of the Pretender, as his Envoy at the Court of *Madrid*, had come over from thence, by Leave from the Government, with Credentials from King *Philip*, to act here as his Miniſter.

The Queen's Anſwer to the above-mention'd Addreſs againſt the Pretender, having been reported by my Lord Chancellor in theſe Words,

My LORDS,

IT would be a real ſtrengthening to the Succeſſion in the Houſe of Hanover, *as well as a Support to my Government, that an End were put to thoſe* groundleſs Fears *and* Jealouſies, *which have been ſo induſtriouſly promoted. I do not, at this Time, ſee any Occaſion for ſuch a* Proclamation. *Whenever I judge it to be neceſſary, I ſhall give my Orders for having one iſſu'd. As to the other Particulars of this Addreſs, I will give proper Directions therein.*

Some

Digitized by Google

Some Expreſſions in it, did not appear entirely ſatisfactory, and hereupon the Lord *Halifax* mov'd for another Addreſs to her Majeſty, tacitly inſinuating the *Reaſons* and *Grounds* the Lords had for the firſt. A Form of an Order for ſuch an Addreſs was thereupon propos'd; and a noble Duke having given it as his Opinion, that the Word *induſtriouſly* ſhould be added; there aroſe a Debate that laſted from two 'till ſix; when, after a warm Diſpute, the Court-Party carry'd their Point, by a Majority of two Proxies only, *viz.* 61 Voices on each Side; and ſo an Addreſs of Thanks was preſented to her Majeſty for her Anſwer, inſtead of a Remonſtrance; which rais'd the Hopes and Expectations of the Friends to the Pretender for ſome Time.

But their Joy was not long-liv'd; for the Lord *Halifax*, and the reſt of the Peers that voted with him, finding now that the Cauſe would be irrecoverably loſt, without having Recourſe to another Expedient, which was, the Preſence of the Duke of *Cambridge*, (now Prince of *Wales*) ſo brought it about, that Baron *Scutz*, Envoy Extraordinary from the Elector, his Highneſs's Father, was adviſ'd to demand a Writ to be made out for his taking his Place in the Houſe of Peers. Accordingly the ſaid Miniſter made a Viſit to the then Lord Chancellor *Harcourt*; and, among other Civilities, acknowledg'd *the Affection which his Lordſhip had ſhewn, upon ſeveral Occaſions, to the moſt ſerene Electoral Houſe of* Brunſwick. Hereupon the Lord Chancellor told him, 'That he 'was extreambly ſenſible of the Honour and Ju'ſtice he did him by his Viſit and Compliment, 'and deſir'd him to aſſure the Elector his Maſter

'of

'of his entire Devotion to his Service; hoping 'his Electoral Highneſs gave no Credit to the 'falſe Reports that were induſtriouſly ſpread 'abroad, in order to give him Jealouſies of her 'Majeſty's Miniſters.' The Baron anſwer'd, *He would not fail of diſcharging ſo agreeeable a Commiſſion*; but added, *He had a Favour to aſk of the Lord Chancellor, in the Name of the Electoral Prince*, viz. *That his Lordſhip would be pleas'd to make out a Writ for his Highneſs's ſitting in the Houſe of Peers as Duke of* CAMBRIDGE: That the Lord Chancellor was ſomewhat ſurpriz'd at this unexpected Demand, ſtands very much with Probability; but be that as it will, his Lordſhip told the Baron, 'That it was not uſual 'to make out Writs for Peers that were out of 'the Kingdom: However, he would forthwith 'apply to her Majeſty for Directions in that 'Caſe.' Upon this, the Baron reply'd, *He did not doubt but his Lordſhip knew, and would perform the Duties of his Office*; and that as to the Difficulty of the Duke of CAMBRIDGE'S being *out of the Kingdom, he might aſſure himſelf, that his Highneſs the Prince Electoral had reſolv'd to come over very ſpeedily, and perhaps might be landed before the Writ was made out.* After which, the Baron taking his Leave, was deſir'd by the Lord Chancellor to remember, 'he did not refuſe his 'Demand, but only thought it proper to acquaint 'her Majeſty with it; which he would do imme-'diately.' To which, the Baron ſaid, That he likewiſe deſir'd his Lordſhip to remember, *That he had apply'd himſelf to him for the Duke of* Cambridge's *Writ.* The Lord Chancellor having the ſame Evening acquainted her Majeſty and her chief Miniſters with all that had paſs'd, a Council

Digitized by Google

Council was immediately call'd, which ſitting from nine of the Clock 'till eleven, it was reſolv'd, that a Writ ſhould be made out for his Highneſs, as requeſted; but afterwards concerted in the Cabinet, that notwithſtanding the ſaid Reſolution, Letters ſhould be ſent from her Majeſty to the Princeſs *Sophia*, and to the Duke her Grand-ſon, as alſo from the Lord High Treaſurer to the latter, to diſſwade the one from giving her Conſent to that Journey and Voyage, and the other from taking them into this Kingdom.

This Tranſaction, which the next Day at Noon was whiſper'd about in the Court of Requeſts, by the Means of the noble Lord that adviſ'd it, caſt ſuch a Damp on the avow'd Partizans of the *Pretender*, and even on ſome others who would not be thought to have any Affections that Way, were ſo aſtoniſh'd at the News, that they could not hinder their dejected Looks and faltering Tongues, from betraying their real Sentiments, and inward Concerns. Tho' it was the ſame Time reported by the Court-Agents, that her Majeſty had taken the Baron's Application to the Chancellor, in ſo ill a Part, before he had made her acquainted with his Orders in that Matter, that ſhe had forbid him her Court, and laid Injunctions on her Miniſters, to have no Intercourſe or Correſpondence with him. How her Majeſty's Intentions came to be ſo ſoon and publickly known, or at leaſt ſo rightly gueſs'd at, it is not the Buſineſs of an Hiſtorian to enquire: But 'tis moſt certain, that on the *Sunday* following, five Days after the Demand, Sir *Clement Cotterel*, Maſter of the Ceremonies, carry'd Baron *Schutz* a Meſſage, to forbid him the

Digitized by Google

Court. However, Mr. Secretary *Bromley*, at the ſame Time ſent another Meſſage to Mr. *Kreyenberg*, the Elector of *Hanover*'s Reſident, to acquaint him, that he might come to Court as uſual; and two Days after, one of the Queen's Meſſengers was diſpatch'd to Mr. *Harley*, at the Court of *Hanover*, with Inſtructions ſuitable to the new Scene Baron *Schutz* had open'd in *England*. On the other Hand, the Baron thought fit to return to his Maſter's Court, and for that Intent, ſet out for *Harwich* on the *Tueſday* following, attended only by one Servant, having left in Mr. *Kreyenberg*'s Hands, a Letter to Mr. Secretary *Bromley*, containing in Subſtance, 'That having had the Misfortune to incur her Majeſty's Diſpleaſure, and being thereby render'd incapable of ſerving his Maſter any longer in the *Britiſh* Court, he thought it his Duty to return Home, and ſo took his Leave of him.' The next Day Mr. *Kreyenberg*, upon the Deliuery of the ſaid Letter, was told, *That either he, (Mr.* Kreyenberg) *or any other Miniſter whom the Elector of* Hanover *ſhould be pleaſed to ſend over, ſhould be well receiv'd by her Majeſty.*

This whole Affair, as it may eaſily be imagin'd, occaſion'd various Reaſonings and Conjectures; and as the Diſmiſſion of the *Hanoverian* Miniſter from Court, after ſuch a Manner, could not but raiſe the Hopes of the Tories of an enſuing Breach of Friendſhip between the two Courts; ſo the Baron's Declaration of the Duke of *Cambridge*'s ſudden Intention to come over, ſo wonderfully animated the Spirits to the Well-Affected of the Illuſtrious Houſe, that the Effects of it were viſibly ſeen by the particular

Digitized by Google

ticular Influence it had on the publick Funds, which rose four or five *per Cent.*

To resume the Debates in Parliament, wherein the noble Person whose Memory we are endeavouring to do Justice to, was immediately concern'd, upon the Lords taking into their Consideration the State of the Nation, in Reference to the Treaties of Peace and Commerce, the Lords High Treasurer and *Bolingbroke* endeavour'd to shew both the Necessity of putting an End to a *consuming Land-War, unequally carry'd on,* and the Advantages that had been gain'd by the Peace, particularly by the Treaty of Commerce with *Spain.* Whereupon the Lord *Halifax* maintain'd, on the contrary, 'That there was no absolute 'Necessity of *making a Peace;* the Nation having 'given almost as much Money for *several* Years 'last past, as any 3 Years of the War: And as for 'the pretended Advantages gain'd by the Treaty 'with *Spain,* 'twas plain they were no more than 'what had been stipulated before by the Treaty 'of the Year 1667.' His Lordship also complain'd 'of the Method in which the Negotiations of Peace had been carry'd on, and of our 'giving up the Interests of the Emperor and 'King of *Portugal,* as well as the poor *Catalans!* In Answer to this, the Bishop of *London* and her Majesty endeavour'd to make the Peace general; and after a warm Debate, in which several lively Representations were made by his Lordship, of the Danger the greatest Part of the Confederacy was in, from the Conclusion of that Peace, it was resolv'd, by a Majority of 19 Voices, (*viz.* sixteen present, and three Proxies) to present an Address to her Majesty, to acknowledge her great Goodness to

'her People, in delivering them by a ſafe, ho-
'nourable, and advantageous Peace with *France*
'and *Spain*, from the Burthen of a conſuming
'Land-War, unequally carry'd on, and become,
'at laſt, impracticable; and to intreat her Ma-
'jeſty to purſue ſuch Meaſures as ſhe ſhould
'judge neceſſary, for compleating the Settle-
'ment of *Europe* on the Principles laid down
'in her Majeſty's Speech.' Which Addreſs being drawn up, and ſent to the Commons for their Concurrence, was agreed to; and upon the Preſentation, had for Anſwer from the Queen, That the State of publick Affairs in *Europe*, as well as the Neceſſities of her own Kingdom, oblig'd her to enter into a *Negociation of Peace*; and, *that notwithſtanding all Difficulties, ſhe had, by the Bleſſing of God, brought it to a happy Concluſion: That ſhe eſteem'd their Addreſs as the united Voice of her affectionate and loyal Subjects; and return'd them all the hearty Thanks which could be given by a Sovereign, who deſir'd nothing more, than to ſee her People ſafe and flouriſhing.*

But the Matter his Lordſhip ſtir'd moſt in, and which he had chiefly at Heart, was, the Invaſion which he thought made upon the Toleration-Act, by *a Bill* ſent up to the Peers by the Houſe of Commons, *to prevent the Growth of Schiſm, &c.* At the Reading of which, he oppos'd the Paſſage of it thro' that Illuſtrious and Auguſt Houſe, by the moſt rational and ſound Arguments; repreſenting, among other Conſequences that would ariſe from it, *the Tendency it would have towards raiſing as great a Perſecution againſt our Proteſtant Brethren, as the Primitive Chriſtians ever ſuffer'd from the* Roman *Emperors, particularly* Julian *the Apoſtate*; adding, *That ſuch a Law*

Digitized by Google

a Law would occaſion foreign Education, *which on the one Hand would drein the Kingdom of vaſt Sums of Money, and (which was ſtill worſe) fill the tender Minds of young Men with Prejudices againſt their own Country.* He illuſtrated and ſtrengthen'd his Reaſons, by the Examples of *Engliſh Popiſh* Seminaries Abroad, which he ſaid, *were ſo pernicious to* Great Britain, *that inſtead of making* new Laws, *which would encourage foreign Education, he could wiſh thoſe already in Force againſt* Popiſh *Schools, were mitigated.* Hereupon the Lord Viſcount *Bolingbroke* declar'd, 'That it 'was a Bill of the laſt Importance, ſince it con-'cern'd the Security of the Church of *England*, 'which was the beſt and firmeſt Support of the 'Monarchy; both which, all good Men, and 'in particular that Auguſt Aſſembly, which 'deriv'd their Luſtre from, and were neareſt to 'the Throne, ought to have moſt at Heart; and 'therefore he could not but think it highly con-'cern'd that Houſe, whereof he had the Ho-'nour to be a Member, to read it a ſecond 'Time." When the Lord *Cowper*, who ſpoke next, reply'd, *No Man is more ready than my ſelf, to do every Thing that ſhall be neceſſary to attain the ſeeming Intention of this Bill, viz. the preventing the Growth of Schiſm, and the farther Security of the Church of* England; *but the enacting Part will be ſo far from anſwering to the Title of it, that, in my Opinion, it will have a quite contrary Effect, and prove equally obnoxious to Church and State.* When the Lord *Halifax* ſeconded him, by enlarging on thoſe two Heads, with admirable Strength of Judgment, in a Diſcourſe that laſted near half an Hour; and amongſt other unanſwerable Arguments againſt the Bill, repreſented, 'That

'inſtead

'instead of preventing Schism, and enlarging 'the Pale of the Church, the Bill tended to 'introduce *Ignorance*, and its inseparable Attendents, *Superstition* and *Irreligion*." To this Purpose his Lordship took Notice, 'That in 'many Country-Towns, *Reading*, *Writing*, and 'Grammar Schools, were chiefly supported by the 'Dissenters, not only for the Benefit and Instruction of their own Children, but likewise 'of those of the poor Church-Men; so that the 'suppressing of those Schools, would, in some 'Places, suppress the Reading of the *Holy Scriptures*." His Lordship likewise observ'd, 'That 'the Bill struck at the ancient Rights and Prerogatives of the House of Peers; which, by 'the Constitution, was the supream Court of 'Judicature, and the *Dernier Resort* in all Causes; whereas by the Bill, *the Justices of the 'Peace were impower'd finally to determine the Offences against the same*." My Lords, added he, *I would, rather than abridge the Power of Justices of the Peace, were it but to encourage Gentlemen to take upon them an Office so troublesome, and at the same Time so unprofitable, unless it be* perhaps *in the County of* Middlesex. *But*, my Lords, *I shall never consent to give up the Birth-Rights and ancient Privileges of this August Assembly, of which I have the Honour to be a Member.* The E. of *Wharton* deliver'd his Sentiments afterwards, and with a great deal of Resolution and Delicacy of Expression, distinguish'd himself, by averring, 'That he was a 'greeably surpriz'd to see that some Persons were 'on a sudden become so *Religious*, as to set up 'for Patrons of the Church! But that he could 'not but wonder, that Persons who had been 'educated in *Dissenting Academies*, whom he

'could

Digitized by Google

'could point at, (*meaning the Earl of* Oxford *and Lord* Harcourt) and whoſe Tutors he could 'Name, ſhould appear the moſt forward in 'ſuppreſſing them. That ſuch a Practice was 'but an indifferent Return for the Benefit the 'Publick had receiv'd from thoſe Schools, which 'had bred thoſe Great Men who had made ſo 'glorious a Peace, and *Treaties that executed them-'ſelves*; who had obtain'd ſo great Advantages 'for the Commerce of the Nation; and who had '*pay'd the publick Debts*, without farther Charge 'to the Nation; ſo that he could ſee no Reaſon 'for ſuppreſſing thoſe Academies, unleſs it aroſe 'from an Apprehenſion, that they might ſtill 'produce greater Genius's that ſhould drown the 'Merits and Abilities of thoſe Great Men." My Lords, continu'd he, *to be ſerious, 'tis no leſs melancholick, than ſurprizing, that at a Time when the Court of* France *proſecutes the Deſign they have long ſince laid, to extirpate our Holy Religion; when not only ſecret Practices are us'd to impoſe a Popiſh Pretender on theſe Realms, but Men publickly enliſt for his Service. It is melancholick and ſurprizing, I ſay, that at this very Time a Bill ſhould be brought in, which cannot but tend to divide Proteſtants, and conſequently to weaken their Intereſts, and haſten their Ruin! But then the Wonder will ceaſe, if we conſider what Mad-men were the Contrivers and Pro-moters of it.* His Lordſhip alſo excepted againſt the Word *Schiſm*, with which the Frontiſpiece of the Bill was ſet off, and ſaid, 'It was ſome-'what ſtrange they ſhould call that *Schiſm* in '*England*, which was the eſtabliſh'd Church in '*Scotland*! and therefore, if the Lords who re-'preſented the Nobility of that Part of *Great 'Britain*, were for the Bill, he hop'd, that to be

'even

Digitized by Google

even with the *English*, and consistent with themselves, they would move for another *Bill to prevent the Growth of* Schism *in their own Country*. He declar'd also, on another Occasion, for his Lordship spoke more than once, 'That both 'in the Bill before them, and the Speeches of 'those who were Advocates for it, *several Laws* 'were recited and alledg'd: But there was a Law which had not been mention'd. *I expected*, added he, *that* VENERABLE BENCH, turning to the Bishops, *would have put us in mind of it; but since they are pleas'd to be silent in this* Debate, *I will my self tell them, that 'tis the* Law of the Gospel, to do unto others as we would be done unto.

The Earls of *Abingdon* and *Angleſea* spoke, when his Lordship had seated himself, in Favour of the Bill; and the latter said, among other Things, 'That the Dissenters were e-'qually dangerous to Church and State; that 'they were irreconcileable Enemies to the 'establish'd Church, which they had sufficient-'ly shewn in the late King *James* the Second's 'Reign; when, in order to obtain a Tolerati-'on, they join'd themselves with the *Papists*; 'and that they had render'd themselves un-'worthy of the Indulgence of the Church of '*England*, granted them at the *Revolution*, by 'endeavouring to engross the Education of 'Youth; for which Purpose, they had set up 'Schools and Academies in most Cities and 'Towns of the Kingdom, to the great Detri-'ment of the Universities, and Danger of the 'establish'd Church.

But the Lord *Halifax* spoke, on the other Side, and said, 'That the very bringing in

Digitized by Google

' of that Bill was injurious to the QUEEN;
' and he could not believe her Majesty would
' ever give her Royal Assent to such a Law,
' after the solemn Declaration she had made
' from the Throne, *That she would inviolably*
' *maintain the* TOLERATION, which that Bill
' struck at. *He added*, That her Majesty made
' it the Glory of her Reign, to follow the Steps
' of Queen ELIZABETH, who had not only
' entertain'd and protected the Reform'd *Wal-*
' *loons*, who took Sanctuary in her Dominions,
' from the *Spanish* Inquisition, but had likewise
' allow'd them the publick Exercise of their
' Religion, and caused a Clause in their Favour,
' to be inserted in the Act of Uniformity:
' That thereby that wise and glorious QUEEN
' had vastly increas'd the Wealth of her Realms,
' the *Walloons* having settled here the Woollen
' Manufactures, which were the best Branches
' of the *National Trade*: That the Protection and
' Encouragement of the late King *William* and
' Queen *Mary*, and her present Majesty, had
' given to the *French* Refugees, had prov'd no
' less advantageous to *Great Britain*; and there-
' fore it would be a Piece of Barbarity, to make
' an Act which would debar many *French* Pro-
' testants of Means of subsisting, either by keep-
' ing publick Schools, or teaching in private
' Families; especially considering their late
' hard Usage, the Government not having for
' three Years last past, paid them any part of
' the fifteen thousand Pounds *per Annum*, al-
' low'd by Parliament in the Civil List, to-
' wards the Maintenance of their Ministers
' and Poor. His Lordship concluded, with ta-
king Notice of ' the fatal Consequences of per-

Digitized by Google

'ſecuting the Diſſenters in King *Charles* the 'Firſt's Time, which kindled a furious and un-'natural War, and ended in the total Over-'throw of the Church and State, and in the 'King's Martyrdom.

The Lord Viſcount *Townſhend*, amongſt other Arguments, in Behalf of the Cauſe which the Peer that ſpoke laſt eſpouſed, repreſented the ill Effects of Perſecution in general, and ſaid to that Purpoſe, 'He had liv'd a long Time in '*Holland*, and had obſerv'd, that the Wealth 'and Strength of that great and powerful Re-'publick, lay in the Number of its Inhabi-'tants: But that he was perſwaded, if the 'States ſhould cauſe the Schools of any one 'Sect tolerated in the *United Provinces*, to be 'ſhut up, they would be ſoon as thin of People 'as *Sweden* or *Spain*, whereas they then ſwarm'd 'with Inhabitants.

The Lord *North and Grey*, who ſpoke for the Bill, maintain'd the general Aſſertion of his Party, *viz. That the Church was in Danger from the Growth of Schiſm.* Whereupon the Earl of *Nottingham* ſaid, 'He own'd he had been former-'ly of Opinion, *That the Occaſional-Conformity of* '*Diſſenters*, was dangerous to the eſtabliſh'd 'Church, and therefore he always promoted 'the *Bill to prevent it.* But the Church having 'then that Security, he believ'd her Safe, and 'out of Danger, and therefore he thought him-'ſelf oblig'd in Conſcience to oppoſe ſo barba-'rous a Law as that was, which tended to 'deprive Parents of their natural Right of 'educating their own Children. *He added*, 'That 'he had obſerv'd, both from Hiſtory and his 'own Experience, that all the Perſecutions that

'had

Digitized by Google

'had been rais'd in *England* againſt Schiſma-
'ticks, originally proceeded from, and tended
'to favour Popery. His Lordſhip likewiſe ex-
'cepted againſt that Part of the Bill, which
'enacted, *That any Perſon who ſhould keep any*
'*publick or private School*, or inſtruct any Youth
'or Tutor, ſhould have a Licenſe of the re-
'ſpective Arch-biſhop, or Biſhop of the Place,
'*&c. My Lords*, ſaid he, I have many Children,
'and I know not whether GOD ALMIGHTY
'will vouchſafe to let me live to give them
'the Education I could wiſh they had; there
'fore, *my Lords*, I own I tremble, when I
'think that a certain Divine (meaning Dr.
'*Swift*, Dean of St. *Patricks*) is in a fair way
'of being a Biſhop, and may one Day give
'Licenſes to thoſe who ſhall be intruſted with
'the Education of Youth.

Some other Lords made Speeches for and againſt the Bill, but the Lord High Treaſurer contented himſelf with ſaying, *That he had not yet conſider'd of it; but when he had, he would vote according as it ſhould appear to be either for the Good or Detriment of his Country; and therefore he was for reading the Bill a ſecond Time*, which was agreed to without dividing, and put off to the *Monday* following. Accordingly it was then read a ſecond Time, and referr'd to a Committee of the whole Houſe. After which, their Lordſhips took into Conſideration the Caſe of the *Dutch* and *French* Proteſtant Churches, which had been preſented on the firſt reading of the ſaid Bill. Hereupon there aroſe a ſmall Debate, wherein the Biſhop of *London* and the Lord *Halifax* argu'd very ſtrenuouſly for thoſe Reform'd Foreigners, and it was carry'd with-

Digitized by Google

out dividing, that a Clauſe ſhould be inſerted in Favour of the ſaid Churches; in Conſequence of which, the laſt of thoſe noble Peers handed in the following *Queries* to the Houſe, and deſir'd their Lordſhips ſerious Conſideration of them.

Query I. 'How *Schiſm* can be prevented, before it is clearly determin'd what it is? And 'whether thoſe Men can juſtly be charg'd with 'it, who are united to the common Head of 'the Chriſtian Church by Faith, and to all its 'Members by an hearty Love? And whether 'Diſſenters are not within the Church, as it 'is defin'd in the XIXth Article of the Church 'of *England, having the pure Word of God preach'd 'among them, and the Sacraments duly Admini-'ſter'd according to Chriſt's Ordinance, in all Things 'that of Neceſſity are requiſite to the ſame?*

II. 'How any National Church, as far as it 'is favour'd or warranted by the Holy Scriptures, which all Proteſtants own for their Rule, 'can be in any real Danger from ſuch Perſons 'as thoſe deſcrib'd, or from their being left at 'Liberty to educate their Children in their 'own Way?

III. 'Whether it be not a Piece of Wiſdom 'to learn from our Enemies? And when even in 'the *Romiſh* Communion, notwithſtanding their 'high Pretenſions to *Unity* and *Conformity*, there 'is yet a greater Diverſity admitted among 'their religious Orders, why ſhould not *Proteſtants* enlarge and ſtrengthen themſelves, by 'incloſing all they can in a Way of Forbearance, eſpecially when they heartily fall in 'with the ſame Civil Government?

IV 'Are

Digitized by Google

IV. 'Are not the *French* and *Dutch* Proteſtant 'Churches (to our great Satisfaction) allow'd 'to educate their own Children, without Diſ-'honour to the Church or State? And ſhall this 'Privilege be deny'd to Natives, that are faith-'ful and peaceable, merely becauſe they are 'Diſſenters?

V. 'Whether the treating ſuch as Schiſma-'ticks in the Reign of King *Charles* II, (to look 'no farther back) was not ſenſibly found to pro-'mote the *Growth of Popery*? And whether it 'may not reaſonably be expected, that a like 'Cauſe ſhould have a like Effect?

VI. 'Whether in the Reign that ſucceeded, it 'was not own'd by ſome eminent Prelates of 'the Church, with Arch-biſhop *Sancroft* at their 'Head, as well as by the Marqueſs of *Halifax*, in 'his *Letter to the Diſſenters*, (in which ſo many 'eminent Perſons concurr'd, and which all that 'Time applauded) that too much Rigour had 'been us'd towards Perſons of the ſame Religi-'on, for differing in ſmaller Matters? And whe-'ther Promiſes were not then freely made of a 'different Treatment, and better Temper for 'the future, from the Pulpit, and in all Con-'verſation?

VII. 'Whether the Biſhops that have been ad-'vanc'd to that Honour ſince the *Revolution*, who 'have generally been Perſons of the greateſt 'Eminence, for Worth and Moderation, have 'not met with more Reſpect from the Diſſen-'ters, than from many who pretended to be 'zealous Members of their own Church? And 'whether it is a ſuitable Return for Perſons of 'their Lordſhips Candor, to deal more hardly 'by them, and to their Children, than their Pre-

'deceſſors

'deceſſors ever attempted to do by their Fathers, 'as to their Deſcendants?

VIII. 'Whether any Thing more tenderly 'affected the Proteſtants in *France*, than the 'denying them Liberty to educate their Chil-'dren in their own Principles? And whether 'that Method, which had all along been re-'preſented as ſo ſevere in a Popiſh Prince, can 'ever be fit to be countenanc'd by *Proteſtant Biſhops, in a Proteſtant Country?*

IX. 'Whether, if Popery ſhould once more 'prevail among us, which ſome who are Orna-'naments to the Bench of Biſhops, have own'd 'to be no very remote Suppoſition, it would not 'be a moſt grating Reflection, when the Legiſla-'tors ſhould demand the Education of the Chil-'dren of all *Proteſtants*, to hear them inſinuate, 'That their Lordſhips had ſet them the Pattern, 'by demanding the Education of the Children 'of *Diſſenters?*

X. 'Whether it can reaſonably be expected 'that they ſhould ever have the Courage to 'endure the fiery Tryal, (which is what, ac-'cording to the foregoing Suppoſition, they may 'be call'd to) who, by any political Conſide-'rations ſhould be kept from ſheltering the 'Innocent? And whether upon Suppoſition, any 'Members of their own Church ſhould threaten 'them, if they acted according to the Principles 'by which they obtain'd their Preferments, it 'would not be more becoming to inform them 'better, and yield more Comfort, to ſet them 'an Example of Steadineſs, than to harden and 'embolden them, by yielding to them in a Me-'thod of treating Brethren, that is neither Scrip-'tural or Rational?

XI. 'Whe-

Digitized by Google

XI. 'Whether it be ſeemly for Guides of the 'Church to paſs ſuch a Cenſure upon the Aſſem- 'bly's Catechiſm, as if it were not fit to be 'taught, when there is nothing to be found in 'it, but what agrees with the Doctrine, and 'nothing that is oppoſite to the Government 'of their own Church? And how it can be re- 'concil'd with the Honour and Veracity of 'their Lordſhips, to allow no other Catechiſm 'than that which cannot be anſwer'd to with 'Truth by the Children of Diſſenters, who had 'no God-fathers or God-mothers to give them 'their Names.

XII. 'Whether the *Eccleſiaſtical Courts* have 'not, from the firſt Reformation, been own'd a 'great Grievance by the beſt Prelates and 'Members of the Church of *England*? Whether 'they have not, upon Occaſion, been freely in- 'veigh'd againſt by many who are at preſent 'on the Biſhop's Bench? And whether there 'be any ſuch Evidence of their Amendment, as 'can juſtify their now concurring to ſupport 'and encourage them?

'And *laſtly*, Whether the paſſing ſuch a Bill 'into a Law, be not more likely to ſpread 'Animoſities, increaſe Uncharitableneſs, and 'perpetuate Diviſion, than prevent the Growth 'of what is call'd *Schiſm*? And, whether this 'be not as evident, and that publickly brand- 'ing a Body of Men, will inflame the Popu- 'lace againſt them; and that Severity on the 'one Hand, tends to exaſperate the Sufferers.

On the *Wedneſday* following, the Lords, in a Committee of the whole Houſe, whereof the Lord Arch-Biſhop of *York* was Chair-man, took the ſaid Bill into Conſideration again, and exa- min'd

Digitized by Google

min'd it Paragraph by Paragraph, from one in the Afternoon, 'till eight in the Evening. The Biſhop of *London*, who was one of the firſt that ſpoke in that Day's Debate, ſaid, 'That the Diſſenters had made the Bill neceſſary, by their 'Endeavours to propagate the Schiſm, and to 'draw the Children of Church-men to their 'Schools and Academies." To which, the Lord *Halifax* anſwer'd, *That what they did, was with the Conſent and Knowledge of their Parents, who, in many Places, had not ſufficient Means to educate their own Children*; and his Lordſhip took from thence an Opportunity to move, *That ſince the Bill was occaſion'd, as was ſuggeſted, by the Diſſenters endeavouring to expreſs the Education of Youth of both Perſwaſions, they might be allow'd Schools to educate their own Children.* Which Motion being form'd into a Queſtion, his Lordſhip ſpoke on the Side of the Affirmitive, after this Manner: *What, my Lords, ſaid* this worthy Patriot, *ſhall we cut our Proteſtant Brethren the Diſſenters, at one Stroke, from the Benefit of many and many Acts of Parliament made in their favours? Shall we wound them to the very Heart, for no other Crime, than their Care to bring up their Children to the beſt Way and Manner they think moſt conducive to their preſent and everlaſting Welfare.? They are ſenſible of the Benefits of religious Education, and would gladly have their Children to enjoy that Advantage of being at the Expence of their Education in the ſame Principles they themſelves have imbib'd. None can love them better than they do; none are ſo immediately and directly charg'd by the Great God with their Education, as they are; none can be more ſolicitous to find out for them ſuch Inſtructions as may ſet them a good Example, and have watchful Eyes over them,*

Digitized by Google

that their tender Minds may not be early defil'd with Vanity and Vice. They desire not to have them train'd up in Prejudice to any Body of Protestants in this Nation, nor perplex'd with Matters of doubtful Disputation; their Request is, that they may be left as free and unbyass'd as can be in such Things, 'till they are capable of forming a Judgment for themselves: And who can blame them, if they would not have them in their Childhood taught to despise and reproach what their Parents esteem nothing but plain Scriptural Christianity? They would not have Prejudice infus'd into them so early, against their own Profession and Practice, which must necessarily destroy that Reverence they ought to have for them, very much disturb the Order and Peace of their Families, and lessen the Pleasure and Comfort they promise themselves in them. I would, as much as possible, avoid any offensive Insinuations, and yet cannot but observe, that among the Arts that Julian *the Apostate us'd to extirpate Christianity, one was to lay a Restraint upon their* Schools, *tho' he proceeded not so far as to suppress them wholly. Those Schools were prohibited, in which* Rhetorick *and* Philosophy *were taught, that the Professors of Christianity might be render'd incapable of defending it. The Extirpation of the reform'd Religion in* France, *was also introduc'd by the Prohibition of their Schools; first, of those wherein the* LIBERAL ARTS *and* SCIENCES *were taught, in the Year* 1670, *while the Reform'd had still Liberty to teach* Reading, Writing, *and* Accompts; *but the very next Year they were limited to one School in a Town, and that only in those Places where the publick Exercise of their Religion was permitted, which was then confin'd to a narrow Compass, and so on, 'till in Process of Time wholly taken away. I am far, my Lords, from comparing the Church of* Eng-

Digitized by Google

land *to* Paganiſm *or* Popery; *but ſince we know their Diſſent is Conſciencious, by how much leſs the Things are ſuppos'd to be in which they differ from us, ſo much more Reaſon have they to expect Favour and Indulgence at our Hands.*

The Lord *Cowper*, and the Earl of *Sunderland*, and ſome other noble Peers, ſpoke on the ſame Side; but the Lord Viſcount *Bolingbroke*, the Earls of *Angleſea* and *Abingdon*, with the Duke of *Buckinghamſhire*, and the Lord Chancellor, inſiſted on the Negative, which was at laſt carry'd by 62 Voices againſt 48. Then the Lord *Halifax* mov'd, That Diſſenters might, at leaſt, have School-Miſtreſſes to teach their Children to read; which, after a Debate of about half an Hour, was carry'd without a Diviſion; as was alſo a Clauſe, 'That that Act ſhould not extend to any Perſon, who ſhould inſtruct in 'Reading, Writing, Arithmetick, or any Part 'of Mathematical Learning only, ſo far as ſuch 'Mathematical Learning related to Navigation, 'or any mechanical Art only." After this, their Lordſhips examin'd that Part of the Bill, whereby the Convictions of Offenders againſt that Act, was left to the *Juſtices of the Peace*; and after a warm Diſpute, it was carry'd by a Majority of 59 Votes againſt 54, that the Conviction ſhould be in the ordinary Courſe of Juſtice, *viz. Upon an Information, Preſentment, or Indictment, in any of her Majeſty's Courts of Record at* Weſtminſter, *or at the Aſſizes, or before Juſtices of Oyer and Terminer.* The Court-Party finding, by this laſt Diviſion, that they loſt conſiderable Ground, and being apprehenſive that other Amendments would render the Bill altogether uſeleſs, mov'd, That the Chair-

man

Digitized by Google

man might leave the Chair. But tho' the contrary Side at first oppos'd it, yet, after some Debate upon the Penalty to be inflicted on the Offenders, both Parties being equally tir'd, they adjourn'd themselves to the next Day.

Accordingly the Debate about the Penalties was again resum'd, and the Lord *Halifax* manag'd the Controversy with that Dexterity, as to fix the same *to three Months Imprisonment*: After which, he obtain'd, *that Persons aggriev'd, might appeal from Ecclesiastical Censures, as in Cases of ordinary Jurisdiction.* He likewise propos'd, and carry'd a Clause to exempt from the Penalties of that Act, *any Tutor who should be employ'd by a Noble-Man or Noble-Woman, to teach in their Families, provided such Tutor did, in every Respect qualify himself according to that Act, except only in that of taking a License from the Bishop,* wisely foreseeing, that a Handle would be given from that Amendment, for the Commons to cavil at it, which might be a Means of throwing out the Bill. Nor was he out in part of his Conjecture, since, when that very Clause was afterwards read in St. *Stephen*'s Chapel, Mr. *Stanhope*, now Secretary of State, propos'd, That the 'Tutors in the Families of the Members of that 'House, might be put on the same Foot, which 'those who taught in the Families of a *Noble-*'*Man* or *Noble-Woman*, were on, it being reasonable to suppose, that the Members of that 'House, many of whom were of a noble Extraction, and had as great Concern as the 'Lords, for the Education of their Children, 'and an equal Right to take Care of their Instruction." But Mr. *Hungerford* was very plain, and represented, That the least Alteration

Digitized by Google

might occaſion the Loſs of the Bill, whereby Mr. *Stanhope*'s Motion was drop'd.

On the Day following, their Lordſhips, ſtill in a Grand Committee, conſider'd farther of the ſaid Bill *to prevent the Growth of* **Schiſm**, &c. and the Earl of *Angleſea* mov'd, That a Clauſe might be inſerted therein, *to extend that Act to* Ireland; when the Lord *Halifax* oppos'd him, by repreſenting to that illuſtrious Aſſembly, 'That the *Papiſts* in that Kingdom were, at 'leaſt, eight to one Proteſtant, (all Denomina-'tions included) by a Computation allow'd in 'the late *Iriſh* Houſe of Commons. That a very 'great Part of the Proteſtants in *Ireland*, diſ-'ſented from the eſtabliſh'd Church. That the 'Diſſenters in *Ireland*, were a well-united Body 'of Proteſtants, inhabiting principally the Pro-'vince of *Ulſter*, where the Strength of the *Britiſh* 'Intereſt lay. That *Ireland* was ſo near to *Scot-'land*, that many *Scotch* Families did tranſport 'themſelves, with their Effects, thither, which 'might in Time exceedingly ſtrengthen the '*Britiſh* Intereſt, if the Lenity of the Govern-'ment againſt Proteſtant Diſſenters were conti-'nu'd: That the Proteſtant Diſſenters, in *Ireland*, 'had always been very loyal and dutiful Sub-'jects; and they were, generally ſpeaking, a 'Body of ſober Chriſtians. That they were 'already very much diſcourag'd, by the want 'of a *legal Toleration*, which their Brethren in '*England*, and thoſe of the Epiſcopal Perſuaſi-'on in *Scotland*, did enjoy: That they were 'equally with their Brethren of the eſtabliſh'd 'Church, expos'd to the mercileſs Rage of the 'Iriſh Papiſts, who, in the Year 1641, mur-'der'd above two hundred thouſand Proteſtants,

'without

Digitized by Google

'without any Regard to their Denominations. 'That there was not a ſingle Inſtance of one 'Jacobite to be found amongſt them; their 'Miniſters, who were above one hundred and 'fifty, having all taken the *Oath of Abjuration*, 'excepting three, two of whom neither preach'd, 'nor appear'd in Publick; and the other was 'committed to Goal, without Bail, or Mainpriſe, 'and fin'd 500 *l.* They likewiſe pray'd con-'ſtantly for the QUEEN, and the *Proteſtant* '*Succeſſion* in the illuſtrious Houſe of HANOVER; 'and would have taken the aforeſaid Oath, if, 'inſtead of theſe Words, *As it ſtands limited* '*by*, &c. the Words had been, *Which is ſettled* '*by*, &c. That it did not appear adviſable to 'oblige the Proteſtant Diſſenters in *Ireland*, 'to remove into other Countries then, when 'the Emiſſaries of a Popiſh Pretender, were 'liſting and tranſporting to *France*, great 'Numbers of *Iriſh Papiſts*; promiſing, *that they* '*ſhould ſpeedily return with their Maſter*, when, 'twas poſſible, the Tragedy of 1641 might 'be acted over again. That their Sufferings 'and Services on the late *Happy Revolution*, when 'they made a glorious Stand againſt the *Iriſh* '*Papiſts* and *French* Auxiliaries, by the noble 'Defence of *Londonderry* and *Iniſkillin*, in which 'they had ſo great a Share, ought not ſo ſoon 'to be forgotten: That her ſacred Majeſty had 'often aſſur'd them of her Protection: *And*, '*laſtly*, That it might hinder the Converſion 'of *Iriſh Papiſts*, if they ſaw Proteſtants biting 'and devouring one another, and perceiv'd the 'worſt Part of their Religion, *viz. Perſecution* '*for Conſcience ſake*, to prevail in the National 'Church." Yet, tho' the Duke of *Shrewſbury*, Lord-

Digitized by Google

Lord-Lieutenant of *Ireland*, ſeconded his Lordſhip's Reaſons for rejecting the Clauſe, with great Force of Judgment and Truth, it was carry'd in the Affirmative by one Voice: After which, the Amendments to the Bill were reported; and the Queſtion being whether the Clauſe relating to *Ireland*, ſhould ſtand, it was carry'd in the Affirmative by 6 Voices, *viz.* 57 againſt 51; and then the Bill was read a third Time, and agreed to by 79 Votes againſt 71; tho' not before his Lordſhip, by his Intereſt in the Houſe, had ſo caſtrated it, that all the malicious and perſecuting Parts, form'd to ruin Families, and oppreſs the Poor, were well nigh taken out of it; by which Means he left it unable to do the Miſchief which it was deſign'd, tho' not without drawing up a Proteſt, which ſeveral noble Lords of high Rank and Eſteem ſign'd with him, and ran as follows.

Diſſentient.

I. We cannot apprehend, (as the Bill recites) that great Dangers may enſue from the Diſſenters to the Church and State.

Becauſe, 1. By Law, no Diſſenter is capable of any Station, which can be ſuppos'd to render him dangerous. 2. And ſince the ſeveral Sects of Diſſenters differ from each other, as much as they do from the eſtabliſh'd Church, they can never form of themſelves a National Church; nor have any Temptation to ſet up any one Sect among them; for in that Caſe, all that the other Sects can expect, is only a *Toleration*, which they already enjoy by the Indulgence

Digitized by Google

Indulgence of the State; and therefore it is their Intereſt to ſupport the eſtabliſh'd Church, againſt any other Sect that would attempt to deſtroy it.

II. If, nevertheleſs, the Diſſenters were dangerous, Severity is not ſo proper and effectual a Method to reduce them to the Church, as a charitable Indulgence; as is manifeſt by Experience, there having been more Diſſenters reconcil'd to the Church ſince the Toleration, than in all the Time ſince the Act of Uniformity, to the Time of the ſaid Act of Toleration: And there is ſcarce one conſiderable Family in *England*, in Communion with the Diſſenters. Severity may make them *Hypocrites*, but not *Converts*.

III. If Severity could be ſuppos'd ever to be of Uſe, yet this is not a proper Time for it, while we are threaten'd with much greater Dangers to our Church and Nation, againſt which, the Proteſtant Diſſenters have join'd, and are ſtill willing to join with us in our Defence: Therefore we ſhould not drive them from us, by enforcing the Laws againſt them, in a manner which of all others, muſt moſt ſenſibly grieve them, *viz.* the Education of their Children; which reduces them to a Neceſſity of either breeding them in a Way they do not approve of, or leaving them without Inſtruction.

IV. This muſt be more grievous to the Diſſenters, becauſe it was little expected from the Members of the eſtabliſh'd Church, after ſo favourable an Indulgence as the Act of Toleration, and the repeated Declarations and Profeſſions from the Throne, and former Parliaments, againſt Perſecution, which is the particular

Digitized by Google

ticular Badge of the *Romiſh* Church, that avows and practiſes theſe Doctrines; and yet this has not been retaliated even upon the *Papiſts*; for all the Laws made againſt them, have been the Effects of juſt Puniſhment of Treaſons committed from Time to Time againſt the State: But it is not pretended that this Bill is deſign'd as a Puniſhment of a Crime which the Proteſtant Diſſenters have been guilty of againſt the Civil Government, or that they are diſaffected to the Proteſtant Succeſſion as by Law eſtabliſh'd; for in this their Zeal is conſpicuous.

V. In all Inſtances of making Laws, or of a rigid Execution of the Laws againſt Diſſenters, it is very remarkable that their Deſign was to weaken the Church, and to drive them into one common Intereſt with the *Papiſt*, and join in Meaſures tending to the Deſtruction of it. This was the Method ſuggeſted by Popiſh Councils, to prepare them for the two ſucceſſive Declarations in the Time of King *Charles* II, and the following one iſſu'd by King *James* II, to ruin all our civil and religious Rights. And we cannot think that the Arts and Contrivances of *Papiſts*, to ſubvert our Church, are proper Means to preſerve it, eſpecially at a Time when we are in more Danger of Popery than ever, by the Deſigns of the *Pretender*, ſupported by the mighty Power of the *French* King, who is engag'd to extirpare our Religion, and by great Numbers in this Kingdom, who are profeſſedly in his Intereſt.

VI. But if the Diſſenters ſhould not be provok'd by this Severity, to concur in the Deſtruction of their Country, and the Proteſtant

Digitized by Google

Religion, yet we may justly fear they may be driven, by this Bill, from *England*, to the great Prejudice of our Manufactures; for as we gain'd them by the Persecution Abroad, so we may lose them by the like Proceedings at Home.

VII. The Miseries we apprehend here, are greatly enhanc'd, by extending this Bill to *Ireland*, where the Consequences of it may be fatal; for since the Number of *Papists*, in that Kingdom, far exceeds the *Protestants* of all Denominations together, and that the Dissenters are to be treated as Enemies, or at least as Persons dangerous to that Church and State, who have always, in all Times, join'd, and still continue to join, with the Members of that Church, in their common Defence against the common Enemy of Religion; and since the Army there is very much reduc'd, the Protestants thus unnecessarily divided, seem to us to be expos'd to the Danger of another Massacre, and the Protestant Religion in Danger of being extirpated. And we may farther fear, that the *Scots* in *Britain*, whose National Church is Presbyterian, will not so heartily and zealously join with us in our Defence, when they see those of the same Nation, same Blood, and same Religion, so hardly treated by us.

And this will still be more grievous to the Protestant Dissenters in *Ireland*, because, while the Popish Priests are register'd, and so indulg'd by Law, as that they exercise their Religion without Molestation, the Dissenters are so far from enjoying the like Toleration, that the Laws are, by this Bill, enforc'd against them.

(E) *Tor-*

(E) *Torrington*,
(M) *Dorcheſter*,
(E) *Middleſex* and *Dorſet*.

Lords BISHOPS.

J. Ely,
Jo. Bangor,
Jo. Landaff,
W. Lincoln.

(D) *Somerſet*,
(D) *Bolton*,
(D) *Grafton*,
(D) *Devonſhire*,
(E) *Scarborough*,
(E) *Derby*,
(E) *Lincoln*,
(E) *Nottingham*,
(E) *Radnor*,
(D) *Schomberg* and *Lemſter*,
(V) *De Longueville*,
(V) *Townſhend*,
(E) *Greenwich*, D. of *Argyle*,
(E) *Wharton*,
(E) *Sunderland*,
(E) *Carliſle*,
(E) *Orford*,
(Ld) *Cowper*,
(Ld) *Cornwallis*,
(Ld) *Rockingham*,
(Ld) *Somers*,
(Ld) *Haverſham*,
(Ld) *Foley*,
(Ld) *Halifax*.

What related farther to his Lordſhip, was, 'that the Houſe of Commons having preſented 'an Addreſs of Thanks to her Majeſty, for her 'great Concern for the Succeſſion in the Houſe 'of HANOVER, by iſſuing ſo ſeaſonably a 'Proclamation for apprehending the Pretender, '(on the 24th of *June*) *&c.* and to aſſure her 'Majeſty, that that Houſe would cheerfully 'aid and aſſiſt her, by granting out of the firſt 'Aids to be given her, the Sum of one hundred 'thouſand Pounds, alive or dead, as a farther 'Reward to any who ſhould perform ſo great 'a Service;" the Lord *Halifax* made a Motion of the ſame Nature, and was ſeconded by the Earls of *Nottingham* and *Wharton*; the laſt of

Digitized by Google

of which, holding the Queen's Proclamation in his Hand, did moſt pathetically lament her Majeſty's owning, that her Endeavours to remove the *Pretender* from *Lorain*, had been ineffectual. 'Unhappy Princeſs! *ſaid he*, how 'much her Condition is alter'd! Will Poſterity 'believe, that ſo great a QUEEN, who had 'reduc'd the exorbitant Power of *France*, given 'a King to *Spain*, and whoſe very Miniſters 'have made the Emperor, and the States Ge'neral tremble, ſhould yet want Power to make 'ſo petty, ſo inconſiderable a Prince, as the 'Duke of *Lorain*, comply with her juſt Deſire 'of his removing out of his Dominions, the 'Pretender to her Crown? After which, none of the Peers ſpeaking againſt the ſaid Motion, the ſaid Addreſs was preſented, and had in Return, a moſt gracious Anſwer.

It is here to be obſerv'd, that the Lord Viſcount *Bolingbroke*, who, at the Time of their Lordſhips voting the foregoing Addreſs, was abſent from the Houſe, came into it juſt as it was carry'd in the Affirmative, and appearing ſomewhat ſurpriz'd at that Reſolution, ſaid, 'That there 'was a more effectual Way to ſecure the Succeſſion 'in the Houſe of *Hanover*." Whereupon the Lord *Halifax* expreſſing his Deſires that he would propoſe it to the Houſe, his Lordſhip mov'd, *That a Bill might be brought in to make it High Treaſon for any Perſon to liſt, or to be liſted in the Service of the Pretender*: Which occaſion'd the Noble Peer, whoſe MEMOIRS are now under Recital, to repreſent, 'That ſuch a Bill 'was altogether needleſs, both the Pretender, 'and all his Adherents and Abettors, being 'already attainted of High Treaſon: However,

' he ſhould be glad ſuch a Bill was brought in, be-
' cauſe, with ſome Alterations, it might be made
' a very good one." His Lordſhip having ſaid this, a Bill was brought in, and read the *firſt* and ſecond Time, after which, in a Committee of the whole Houſe, (the Lord *Bolingbroke* Chairman) the Lord *Halifax* made it his chief Buſineſs to ſhew, ' That the Pretender was in-
' conſiderable of himſelf, and not to be fear'd,
' but ſo far as he was countenanc'd and pro-
' tected by the *French* King, whoſe Intereſt,
' and conſtant Deſign was to impoſe him up-
' on the Realms of *Great Britain* and *Ireland*;
' and therefore he mov'd, and it was agreed, *That the Title of the* BILL *ſhould be*, To prevent liſting her Majeſty's Subjects, to ſerve as Soldiers, without her Majeſty's Licenſe; *and that it ſhould be High Treaſon to liſt, or to be liſted, to ſerve any foreign Prince or State, or Potentate, without a Licenſe under the Sign Manual of her Majeſty, her Heirs, or Succeſſors.* Moreover, the following Proviſo was mov'd by the ſame Noble Peer, *viz. That no Licenſe ſhould be effectual to exempt any Perſon from the Penalties of that Act, who ſhould liſt, or cauſe to be liſted in the Service of the* French *King, until after the ſaid* French *King ſhould have diſbanded, broke, and diſmiſs'd, all the Regiments, Troops, or Companies of Soldiers, which he had, or might have had in his Service, conſiſting of the natural-born Subjects of the Crown of* Great Britain. The ſaid Act to continue in Force three Years. Which Amendments made to the Bill, were reported and agreed to by the Lords, who ſent it down to the Commons, who very readily gave it their Concurrence.

This

This being obtain'd, as his Lordſhip had very much at Heart the Commerce of the Nation, ſo he ſhew'd his Zeal for the Encouragement of it, when the Peers took ſeveral Papers relating to the Trade with *Spain* and the *Weſt-Indies*, into their Conſideration. In this Debate, the Earl of *Nottingham* open'd that important Matter, and made it plainly appear, that conſidering the Diſcouragement to which that Trade was ſubjected, by the Explanation of the third, fifth, and eighth Articles of the Treaty of Navigation and Commerce, between *Great Britain* and *Spain*, which Explanations were made at *Madrid*, after the ſigning of the ſaid Treaty at *Utrecht*, it was impoſſible for our Merchants to carry on that Trade without certain Loſs. His Lordſhip ſupported his Arguments by a Letter written by an *Engliſh* Factor in *Spain*, to his Principals, and was ſeconded by the Lord *Cowper*. Therefore the Lord *Bolingbroke* did what in him lay to anſwer their Objections; and among other Things, excepted againſt that Letter, which he pretended was forg'd in *London*. The Lord *Halifax* ſtood up next, and made an excellent Speech, wherein he repreſented, 'how the moſt 'beneficial Branch of Commerce, the Trade, 'for the Recovery of which, the Nation en-'ter'd into the late expenſive War, had been 'given up, and neglected." And when the Lord *Bolingbroke* ſpoke in Defence of the Miniſtry, he not only confuted his Allegations on that Head, but, as a Teſtimony of his own Aſſertions, mov'd, that Sir *William Hodges*, and about thirty more eminent *Spaniſh* and *Weſt-India* Merchants, might be call'd in, who, by their Teſtimonies ſtrengthen'd what he himſelf had alledg'd,

Digitized by Google

alledg'd, by unanimouſly averring, *That unleſs the Explanations of the three Articles above-mention'd, were reſcinded, they could not carry on their Commerce without loſing* 20 *or* 25 per Cent. When, after an Examination and Debate, that laſted to near Seven in the Evening, the Lords reſolv'd, upon a Motion from the ſaid Lord *Halifax*, to addreſs the Queen to cauſe all the Papers relating to the Negociation of the Treaty of Commerce with *Spain*, to be laid before them, together with the *Names of the Perſons who adviſ'd her Majeſty to that Treaty*. To which Addreſs, the Queen made Anſwer, 'That being 'given to underſtand that the three explana-'tory Articles of the Treaty of Commerce, were 'not detrimental to the Trade of her Subjects, 'ſhe had conſented to their being ratify'd with 'the ſaid Treaty.' Hereupon, no Mention being made of the Perſons that adviſ'd her Majeſty to ratify thoſe Articles, the coming at the Knowledge of whom, was the chief Deſign of their Lordſhips Addreſs, the Lord *Halifax*, among others, excepted againſt that Anſwer, as unſatisfactory, and repreſented, 'That if ſo 'little Regard was had to the Addreſſes and 'Applications of that Auguſt Aſſembly, to the 'Sovereign, they had no Buſineſs in that Houſe. After which, his Lordſhip mov'd, *That a Repreſentation* ſhould be made to the Queen, to lay before her the inſuperable Difficulties that attended the *Spaniſh* Trade on the Foot of the late Treaty, which was agreed to be preſented, and had, by way of Reply from her Majeſty, *That it had been her Care to procure all poſſible Advantages for her Subjects in Trade, and ſhe ſhould continue her utmoſt Endeavours to obtain farther Benefits*

Digitized by Google

Benefits, and particularly in the Trade with Spain, *which was ſo uſeful to her Subjects.* But a Motion being made from the ſame Lord, 'for inſiſting on her Majeſty's *naming the Perſons* who 'adviſ'd her to ratify the three explanatory 'Articles;" but the Courtiers, by their Dexterity, warded off that Blow, which was chiefly levell'd at the Lord *Bolingbroke*, and his Agent *Arthur Moore*, Eſq;

However, his Lordſhip was ſucceſsful in a Motion he made, That a Meſſage ſhould be ſent to the Commons, to deſire that ſuch Members of their Houſe who were Commiſſioners for Trade and Plantations, might have Liberty to go to the Houſe of Peers; whereupon the Conſideration of the *Spaniſh* Trade again reviv'd, and the Lord *Halifax*, who began the Debate, ſaid, among other Things, ironically, *He did not doubt, but one of thoſe Gentlemen could make appear that the Treaty of Commerce with* Spain, *was very advantageous.* Which was meant of Mr. *Arthur Moore*, who had the chief Management of that Affair, and contradicted himſelf in ſeveral Queſtions put to him by the Lord *Cowper*, about the three Articles. This was aggravated by the Confeſſion of the other Commiſſioners, in particular *Robert Monckton*, Eſq; who declar'd, (for which he was ſoon after turn'd out of that Commiſſion) 'That Mr. *Moore* had ſhewn 'him a Letter, directed to *Don Arturio Moro*, im-'porting, that he muſt not expect the 2000 *Louis* 'd' *Ors per Annum*, that had been promis'd him, 'unleſs he got the three explanatory Articles 'ratify'd." Mr. *Whylocke*, alſo Firſt Clerk to the Commiſſioners, and private Secretary to Mr. *Moore*, was examin'd upon Oath, and in Conſcience

Digitized by Google

Conſcience oblig'd to ſay many Things to his Maſter's Diſadvantage; which had well nigh ended in the Cenſure of the ſaid Commiſſion; when the Court-Party in the Houſe, mov'd, and inſiſted, that the Houſe ſhould immediately reſolve it ſelf into a grand Committe upon the Lottery-Bill, well knowing, that as ſoon as that Bill ſhould be got ready for the Royal Aſſent, her Majeſty would be eaſily prevail'd with to prorogue the Parliament, in order to prevent any farther Enquiries relating to the Commerce with *Spain*, and the *Aſſiento*; but it was carry'd by a Majority of nine Voices, that the ſaid Committee ſhould be put off to the next Day, when the Lottery-Bill was read a third Time.

Yet this was not done before their Lordſhips had taken the Trade with *Spain* into their farther Conſideration; when it appear'd, by the Confeſſion of Mr. *Lowndes*, Secretary, and of Mr. *Taylor*, Firſt Clerk to the Lord Treaſurer, that they were only nominal Aſſignes for the quarter Part of the *Aſſiento* Contract reſerv'd for her Majeſty; and that ſome Perſons, to them unknown, (but who were very ſtrongly ſuſpected to be the Lord *Bolingbroke*, Lady *Maſſam*, and Mr. *Arthur Moore*) were to have the Benefit of it. Upon which, the Lord *Halifax* made a fine Speech, wherein it appear'd, 'That the Uncertainty and Suſpenſe in which 'the *South-Sea* Company had been a long Time 'kept, whether her Majeſty would retain to 'herſelf, or give to the Company, the quarter 'Part of the *Aſſiento Contract* therein reſerv'd 'to her, had been the principal Obſtruction to 'the Company's carrying on that Trade; *and* 'mov'd for an Addreſs to her Majeſty, that ſhe

'would

' would give to the *South-Sea Company* not only ' her quarter Part of the *Aſſiento-Contract*, but alſo ' the Seven and a half *per Cent.* granted to *Manuel Gilligan*, Eſq; and any other Profits ariſing from the ſaid Contract." But the Queſtion was carry'd in the Negative by 12 Voices, and follow'd by another given in by the Earl of *Angleſea*; by the carrying of which, it was reſolv'd by 56 Voices againſt 40, ' That the ' Thanks of the Houſe ſhould be preſented to her ' Majeſty, for having generouſly given Licenſes ' for two Ships of 500 Tons each, *&c.* with the ' *Aſſiento Contract*, to the ſaid Company, with their ' humble Deſires, that ſuch other Advantages ' which were, or might be veſted in her Majeſty, ' might be diſpos'd of to the Uſe of the Publick." To which that Princeſs, in the Cloſe of her Anſwer, reply'd, *That ſhe would diſpoſe of them, as ſhe ſhould think beſt for her Service.* An Anſwer that was very ill reliſh'd, not only by the Whig Lords, but by the Earl of *Angleſea* himſelf, who had made the Motion for that Addreſs. Inſomuch, that the Lord *Halifax*, and other Members of the ſame Opinion with him, took Occaſion from thence, to complain ' of her Majeſty's ' Silence, in Relation to the Deſire of that Houſe, ' that ſhe would be graciouſly pleas'd to name ' the Perſons who adviſ'd her to ratify the three ' *explanatory Articles*;" and ſome hot Speeches were made on both Sides on that nice Affair. But the *Lottery-Bill* being ready, which was the laſt Money-Bill the Court ſtood in Need of for that Seſſion, the Queen came to the Houſe that very Day, and put an End to that warm Debate, by giving it the Royal Sanction, with other publick and private Bills.

Digitized by Google

The Demiſe of the Queen, which the Lord *Halifax* dutifully lamented; falling out in ſo ſurprizing a manner, and in the midſt of ſuch Attempts to defeat that Succeſſion which he had ever made it his utmoſt Endeavour to promote, gave his Lordſhip an Opportunity to ſerve the Illuſtrious Houſe of *Hanover* in being one of the Repreſentatives of the Head of it: For he found himſelf nominated to be one of the Lords of the Regency during his then Majeſty's Abſence from his Kingdoms; which high Truſt he diſcharg'd, with the reſt of his noble Coadjutors in the Adminiſtration, with an unreſerv'd Attachment to his Royal Maſter's Intereſt, and the greateſt Fidelity. He had it now in his Power to act as one of the Delegates of that Prince, whoſe Rights he had defended with ſuch an Intrepidity of Heart and Speech, as to deprive him of the Favour of his deluded Predeceſſor; and therefore he that had been ſo fervent and undiſguis'd in his Services to the Elector of HANOVER, could not but meet with kind and grateful Acknowledgments from KING *GEORGE*.

As an Earneſt of this, his Majeſty had no ſooner taken Poſſeſſion of the Throne, but he ſhew'd him the moſt diſtinguiſhing Marks of his Favour, not only admitting him into his moſt ſecret Councils and Retirements, but continuing and appointing him Firſt Commiſſioner of the Treaſury, with Intention no doubt, to have fix'd the Government of it wholly and ſolely in him, when it ſhould have been thought fitting and ſafe to intruſt the Direction of his Royal Exchequer to one Hand; having been graciouſly pleas'd to give his Lordſhip the Liberty of reſigning his Poſt of Auditor of the ſame, to his Nephew

the

the honourable *George Montague*, Son of his eldeſt Brother, and Member of Parliament for *Northampton*; his Majeſty not being content with ſhewing his Value for a Perſon of his Merit, by confering upon him Offices of Advantage and Emolments to better his Fortune, would likewiſe give Increaſe to his Fame and Reputation, by creating him Earl of *Halifax*, and admitting him into the Number of his Aſſociates, as Knight Companion of the Noble Order of the Garter; which more than one Crown'd Head had thought it an Honour to have a Grant of.

Nor did his Lordſhip take ſo much Luſtre from this Addition to his former Honour, as he gave to it; but as he grew more and more in his Royal Maſter's Favours, ſo his Reverence to his Sovereign, and his Condeſcention to his fellow Subjects, made him the leſs envy'd in his Enjoyment of it. The Magnificence of his, and his illuſtrious Companions Inſtalment, which was ſcarce ever exceeded on the like Occaſion, made it appear, that they had a Liberality of Soul, almoſt equal to that Prince who had done every Thing for them, but made them his Equals.

Never was Subject more carreſs'd by, or endear'd to a Sovereign, than the Earl of *Halifax*, and never did Subject make more dutiful Returns. He nightly and dayly watch'd for his Maſter's Preſervation, and made it his continu'd Study to defeat the Meaſures that were invaſive of his Quiet, by diſturbing the publick Peace. But he made uſe of ſuch healing Reſtoratives for the Conſervation of it, that gain'd him the Affection of the one Party, while he was a ſtrict Adherer to the other; and tho' he was known

to be in the Intereſt of the laſt, work'd himſelf ſo into the Belief of the firſt, as to be highly held in Eſteem by them, and thought none of their Enemy. In a Word, the Coolneſs of his Determinations, and yet the Quickneſs of his Apprehenſion, the Solidity of his Judgment, yet the Readineſs of his Wit, the Sobriety of his Way of Living, yet the Vivacity that he expreſs'd himſelf with in Converſation, were ſuch amazing Indications of a Genius, that knew how to enjoy the very Troubles of Life, by turning Buſineſs into Pleaſure; that he muſt have arriv'd at the higheſt Pitch of Indolence, without any manner of Concern for the Improvement or Welfare of Mankind, that could have done otherwiſe than have wiſh'd the Continuance of his precious Life to be as laſting, as it was of Uſe and Advantage to his King and Country.

But as the moſt exquiſite Pieces of Art, are the leaſt durable, ſo this conſummate and approv'd Stateſman, while he was in the midſt of his ſultations for the publick Tranquility, while he had the Promiſes of old Age as it were, convey'd unto him, both in a vigorous and healthy Countenance, was ſuddenly taken ill on *Sunday* the 15th of *May*, 1715, at the Houſe of Mynheer *Duvenvoord*, one of the *Dutch* Embaſſadors.

His Lordſhip's Diſeaſe was at firſt judg'd by Sir *John Shadwell*, Principal Phyſician to the King, and Dr. *Seigertball*, his Majeſty's *German* Phyſician, who conſulted with Sir *Richard Blackmore*, and Dr. *Mead*, to be a Pleuriſy attended with a high Fever, for which thoſe learned Perſons gave proper Remedies; but his Illneſs increaſing with great Violence, his Lordſhip reſign'd to Fate, on *Thurſday* the 19th Day of the ſame Month.

Digitized by Google

Month. His Body being open'd, his Diſtemper was found to be a *Peripneumonia*, or Inflamation of the Lungs.

On the 26th of *May*, his Corpſe was carry'd from the *Jeruſalem*-Chamber, and interr'd in General *Monk*'s Vault, in *Weſtminſter-Abbey*, where he now ſleeps among the Remains of thoſe honourable and learned Perſonages, depoſited in that venerable Structure, who have increas'd their Number more than once, out of his Lordſhip's Family; that has been as fruitful of great and good Men, as any that ever went before, or will come after him.

By his Death, his Title of Baron devolv'd, (according to the Patent given for creating him one,) on his Lordſhip's Nephew, *George Montague*, who being the Inheritor of his Vertues, as well as the greateſt Part of his Eſtate, in Conſideration of his Uncles and his own Services, has been ſince advanc'd to the Title, which his deceas'd Lordſhip dy'd poſſeſs'd of. What remains, is, to give his Lordſhips Character, drawn by Men of Letters, ſince I muſt hold my ſelf unequal to that Taſk. Sir *Richard Steele*, * addreſſing to his Lordſhip, ſays,

'It is not retiring from the World, but enjoying its moſt valuable Bleſſings, when a 'Man is permitted to ſhare in your Lordſhip's 'Converſation in the Country. All the bright 'Images which the Wits of paſt Ages have 'left behind them in their Writings, the Nobleſt 'Plans which the greateſt Stateſmen have laid 'down for the Adminiſtration of Affairs, are 'equally

* *Vid. Dedication to the* Tatler, *Vol.* IV.

Digitized by Google

equally the familiar Objects of your Knowledge. But what is peculiar to your Lordſhip, above all the illuſtrious Perſonages that have appear'd in any Age, is, that Wit and Learning have, from your Example, fallen into a new *Æra*. Your Patronage has produc'd thoſe Arts, which before ſhun'd the Commerce of the World, into the Service of Life; and it is to you we owe that the Man of Wit has turn'd himſelf to be a Man of Buſineſs. The falſe Delicacy of Men of Genius, and the Objections which others were apt to inſinuate againſt their Abilities for entring into Affairs, have equally vaniſh'd. And Experience has ſhewn, that Men of Letters are not only qualify'd for a greater Capacity, but alſo a greater Integrity in the Diſpatch of Buſineſs. Your own Studies, have been diverted from being the higheſt Ornament, to the higheſt Uſe to Mankind; and the Capacities that would have render'd you the greateſt Poet of your Age, have, to the Advantage of *Great Britain*, been employ'd in Purſuits which have made you the moſt able and unbyaſs'd Patriot. A vigorous Imagination, an extenſive Apprehenſion, and a ready Judgment, have diſtinguiſh'd you in all the illuſtrious Parts of Adminiſtration, in a Reign attended with ſuch Difficulties, that the ſame Talents, without the ſame Quickneſs in the Poſſeſſion of them, would have been incapable of conquering. The Natural Succeſs of ſuch Abilities, has advanc'd you to a Seat in that illuſtrious Houſe, where you were receiv'd by a Crowd of your Relations,

The

The ſame Gentleman again, in his Dedication to Vol. II. of his Spectators, addreſſing himſelf to his Lordſhip, ſays,

'While I buſy my ſelf as a Stranger upon Earth, and can pretend to no other than being a Looker on, you are conſpicuous in the buſy and polite World, both in the World of Men, and that of Letters. While I am ſilent and unobſerv'd in publick Meetings, you are admir'd by all that approach you, as the Life and Genius of Converſation. What an happy Conjunction of different Talents meets in him, whoſe whole Diſcourſe is at once animated by the Strength and Force of Reaſon, and adorn'd with all the Graces and Embelliſhments of Wit! When Learning irradiates common Life, it is then in its higheſt Uſe and Perfection; and it is to ſuch as your Lordſhip, that the Sciences owe the Eſteem, which they have with the active Part of Mankind. Knowledge of Books in recluſe Men, is like that ſort of Lanthorn which hides him who carries it, and ſerves only to paſs through ſecret and gloomy Paths of his own: But, in the Poſſeſſion of a Man of Buſineſs, it is as a Torch in the Hand of one who is willing and able to ſhew thoſe, who are bewilder'd, the Way which leads to their Proſperity and Welfare. A generous Concern for your Country, and a Paſſion for every Thing that is truly Great and Noble, are what actuate all your Life and Actions.

Mr. *Tickell*, ſpeaking of the ſame Noble Perſon, in his Dedication to his Memory, after his Deceaſe, gives the following Character of his Lordſhip,

'His

Digitized by Google

'His conſummate Knowledge in all kinds of 'Buſineſs, his winning Eloquence in publick Aſ-'ſemblies, his active Zeal for the Good of his 'Country, and the Share he had in conveying 'the Supreme Power to an illuſtrious Family, 'for being Friends to Mankind, are Subjects eaſy 'to be enlarg'd upon, but incapable of being 'exhauſted.

'He reſted not in a barren Admiration of 'the polite Arts, wherein he himſelf was ſo 'great a Maſter, but was acted by that Huma-'nity they naturally inſpire; which gave Riſe 'to many excellent Writers, who have caſt a 'Light upon the Age in which he lived, and will 'diſtinguiſh it to Poſterity. It is well known, 'that very few celebrated Pieces have been pub-'liſh'd for ſeveral Years, but what were either 'promoted by his Encouragement, or ſupported 'by his Approbation, or recompenc'd by his 'Bounty. And if the Succeſſion of Men who excel 'in the moſt refin'd Arts, ſhould not continue, 'tho' ſome may impute it to the Decay of Ge-'nius in our Country-Men, thoſe who are ac-'quainted with his Lordſhip's Character, will 'know more juſtly how to account for it.

'The Cauſe of Liberty will receive no ſmall 'Advantage in future Times, when it ſhall be 'obſerv'd, that the Earl of *Halifax* was one of 'the Patriots who were at the Head of it; and 'that moſt of thoſe who were Eminent in the 'ſeveral Parts of polite or uſeful Learning, 'were by his Influence and Example, engag'd 'in the ſame Intereſt.

FINIS.

Digitized by Google

A true COPY of the last Will and Testament of CHARLES Lord HALIFAX.

THIS is the last Will and Testament of me CHARLES Lord HALIFAX, consisting of one Sheet of Paper, made and written all with my own Hand, and published in the Presence of several credible Witnesses, whose Names are under written, in the Presence of me the Testator.

Imprimis, I give to my Brother *Christopher Montague*, the Sum of one thousand Pounds, and also to my Brother Sir *James Montague*, one thousand Pounds; and to my Lady *Wandesford*, Mrs. *Lawton*, and Mrs. *Mitchell*, one hundred Pounds, each to buy them Mourning. I give and devise to my Nephew *Edward Montague*, the Sum of five hundred Pounds; and likewise I give to Mrs. *Trevor*, and Mrs. *Thursby*, one hundred Pounds to buy Mourning, and to my

Digitized by Google

Neices *Anne* and *Grace Montague*, five hundred Pounds each. I give to my Nephew *John Lawton*, the Reverſion of two Annuities, which I purchaſed after the Lives of *Edward* and *John Lawton*: And alſo an Annuity I have on Survivorſhip, for the Life of him *John Lawton*.

Item, I give to Mrs. *Kelſall* one hundred Pounds, and to her Son *Henry* one hundred Pounds. To Mr. *Railton* one hundred Pounds; to *Bowmer*, *Manning*, and his Son *Paitfield*, and *Betty Stockdale*, one hundred Pounds to each of them. I alſo give to *Betty Stockdale*, and *Mary*, fifty Pounds a Year for their Lives; and to all my other Servants at the Time of my Death, two Years Wages. I give to *Sandum*, twenty Pounds, and to *John Willoughby*, and *John Robinſon*, twenty Pounds apiece.

Item, I give to the Lord *Manchester*, the Lady *Suffolk*, Lady *Betty Montague*, and Lady *Catharine Edwin*, and Lady *Lucy Bright*, one hundred Pounds each for Mourning.

I deſire to be buried privately in *Weſtminſter-Abbey*, and to have a handſom plain Monument.

Laſtly, I give and devise all the reſt and reſidue of my real and perſonal Eſtate, to my Nephew *George Montague* of *Horton*, and I make him ſole Executor of this my laſt Will and Teſtament. And I hereby

will

will and declare, that whatſoever Codicil or Codicils, I ſhall make to this my Will, and ſign the ſame, that ſuch Codicil or Codicils, ſhall be deem'd and taken as Part of this my laſt Will and Teſtament. In Witneſs whereof, I have hereunto ſet my Hand and Seal, this tenth Day of *April*, *Anno Domini* One thouſand ſeven hundred and ſix.

HALIFAX.

Signed, Sealed, Publiſhed, and Declared as, and for, the laſt Will and Teſtament of Charles *Lord* Halifax, *in the Preſence of us whoſe Names are under written, we atteſting the ſame, and ſubſcribing our Names as Witneſſes thereunto, in the Preſence of the Teſtator.*

T. HALL.
CHA. MEIN.
JA. TONSON.

Digitized by Google

[A] By Virtue, and in Pursuance of the Power reserv'd in my last Will and Testament, of the 10th of *April*, One thousand seven hundred and six; I do by this Codicil to my said Will, give and bequeath to Mrs. *Catharine Barton*, all the Jewels I have at the Time of my Death; and likewise three thousand Pounds, as a small Token of the great Love and Affection I have long had for her. ——— Sign'd and Seal'd by me this twelfth Day of *April*, *Anno Domini* One thousand seven hundred and six,

HALIFAX.

Signed, Sealed, and Published, by Charles *Lord* Halifax, *in the Presence of us, as Witnesses hereunto, in the Presence of the Testator,*

F. LAMBERT.
NATH. COWDERY.

In

[B] In case there be no Dispute upon the Codicil of the first of *February* 1712, which I enjoin my Executor not to make, I do by these Presents revoke and make void this Codicil of the twelfth of *April*, 1706.

Aug. 30, 1713.

HALIFAX.

Venit summa Dies & ineluctabile fatum.

[C] By Virtue, and in Pursuance of the Power reserved to my self, in my last Will and Testament of the tenth Day of *April*, One thousand seven hundred and six, I do make this Codicil to my said last Will and Testament, and do hereby give to Sir *Isaac Newton*, the Sum of one hundred Pounds, as a Mark of the great Honour and Esteem I have for so Great a Man. And I do likewise give, grant, devise, and bequeath to his Neice, Mrs. *Catharine Barton*, the Sum of five thousand Pounds of lawful Money of *England*. And I do likewise give, devise, and bequeath to her, all the Right, Title, and Interest, I have in a Grant from the Crown, of the Rangership and Lodge of *Bushy-Park*, together with all the Household-Goods

Goods and Furniture belonging to the Houſe, Gardens, and Park: To have, hold, and enjoy to her own Uſe and Benefit, the ſaid Rangerſhip, Lodge, and Park, during her Life: And to enable the ſaid Mrs. *Barton* to keep the ſaid Houſe and Gardens in Repair and good Order, I do likewiſe give, grant and bequeath, my Manour of *Apſcourt*, in the County of *Surry*, together with all the Rents, Profits, and Advantages thereunto belonging, to the ſaid Mrs. *Catharine Barton* during her Life.——Theſe Gifts and Legacies, I leave to her as a Token of the ſincere Love, Affection, and Eſteem I have long had for her Perſon, and as a ſmall Recompence for the Pleaſure and Happineſs I have had in her Converſation. And I ſtrictly charge and command my Executor to give all Aid, Help and Aſſiſtance to her, in poſſeſſing and enjoying what I have hereby given her; and alſo in doing any Act or Acts neceſſary to transfer to her an Annuity of two hundred Pounds *per Annum*, purchaſed in Sir *Iſaac Newton*'s Name, which I hold for her in Truſt, as appears by a Declaration of Truſt in that Behalf.

Feb. 1, 1712.

HALIFAX.

Memo-

Digitized by Google

Memorandum. The Interlineations and Alterations made in this Codicil, being all of my own Hand-writing, ought to make no Alteration of this my laſt Will and Teſtament.

Aug. 30, 1713.

HALIFAX.

June 18, 1715.

John Bowmer, of the Pariſh of St. *Margaret Weſtminſter*, Gent. and *Thomas Paitfield* of the ſame Pariſh, Gent. ſeverally make Oath, that they theſe Deponents well knew the Right Honourable *Charles* late Earl of *Halifax*, deceaſed, and are well acquainted with his Hand-writing, and the Manner and Character of his Subſcription, they theſe Deponents having often ſeen him write and make the uſual Subſcription of his Title. And theſe Deponents having now carefully view'd the three ſeveral Schedules hereunto annex'd, mark'd *A*, *B*, and *C*, and whereupon they have ſeverally indors'd their Names, they verily believe the ſame, and every Part thereof, to be totally wrote and ſubſcrib'd by the ſaid Right

Digitized by Google

Right Honourable *Charles* Lord *Halifax* deceased.

J. BOWMER,
THO. PAITFEILD.

Die predicto.

Præfati Johannes Bowmer, & Thomas Paitfeild, *jurati fuere de veritate permissorum coram me,*

Car. Pinfold, *Surr. præsente.*

B. Rushworth, *Notor. Pub.*

El

FINIS.

Digitized by Google

A Catalogue of BOOKS *Printed for, and Sold by* J. PEMBERTON, *at the* Buck *and* Sun *againſt St.* Dunſtan's *Church in* Fleet-ſtreet. 1715.

FOLIO.

1. THE Works of the moſt Reverend Dr. *John Tillotſon*, late Lord Archbiſhop of *Canterbury*: Containing Two Hundred and Fifty four Sermons and Diſcourſes on ſeveral Occaſions. Together with his Rule of Faith. As alſo Prayers compoſed by him for the Uſe of King *William*; A Diſcourſe to his Servants before the Sacrament, *&c.* In Three Volumes; with Uſeful *Indexes*. *Price* 3 *l.*

2. Biſhop *Taylor*'s Life of Chriſt; with Dr. *Cave*'s Lives of the Apoſtles. 1 *l.* 5 *s.*

3. A New Book of Declarations, Pleadings, Verdicts, Judgments, and Judicial Writs; with the Entries thereupon. By the late Mr. *H. Gliſt.* 1 *l.* 5 *s.*

4. *Siderfin*'s Reports compleat, in Two Parts. The 2d. Edition; with the Addition of ſeveral Thouſand new References. 1 *l.* 2 *s.* 6 *d.*

5. Sir *Bulſtrode Whitlocke*'s Hiſtory of *England*, from the ſuppoſed Expedition of *Brute* into that Iſland, to the End of the Reign of K. *James* I. With a *Preface* by *James Welwood*, M. D.

OCTAVO.

1. Dr. *Sherlock*'s Practical Diſcourſe concerning Death. 15th Edit. 3 *s.* 6 *d.*

2. ——His Practical Diſcourſe concerning a Future Judgment. 5th Edit. 4 *s.*

3. ——His Diſcourſe concerning the Divine Providence. 4th Edit. 5 *s.*

4.——His

Digitized by Google

4. ——His Sermons upon Useful Subjects. Two Volumes; 2d Edit. 10 *s.*

5. ——His Discourse concerning the Happiness of Good Men, and the Punishment of the Wicked, in the next World, *&c.* 2d Edit. 5 *s.*

6. The whole Works of Monsieur *De La Bruyere*, in Two Volumes. Revis'd by the last *Paris* Edition. To which is added, an Original Chapter, of the Manner of Living with Great Men. By *N. Rowe*, Esq; 9 *s.*

7. The Antiquities of St. *Peter's*, or the Abbey-Church of *Westminster*; continued down to the Death of the late Queen; Containing all the Inscriptions, Epitaphs, *&c.* upon the Tombs and Gravestones; with Draughts of the Monuments curiously engraven, 7 *s.* 6 *d.*

8. A Compleat History of Addresses, from their first Original under *Oliver Cromwell*, to the Year 1712. In Two Volumes. 8 *s.*

9. Original Poems and Translations, by the most Eminent Hands; *viz.* Sir *Samuel Garth*, *A. Manwaring*, Esq; Mr. *Prior*, Mr. *Rowe*, Mr. *Hughes*, &c. To which is added, *Æsculapius*, or, The Hospital of Fools. A Dialogue. By the late *W. Walsh*, Esq; 2d Edit. 4 *s.*

10. A Second Tale of a Tub; or, The History of *Robert Powel* the Pupper-show Man: With his *Effigies* curiously engraven. By *T. Burnet*, Esq; 2 *s.* 6 *d.*

11. The History of the Treaty of *Utrecht*; In which is contain'd all the Acts, Memorials, Representations, Offers, Demands, Letters, Speeches, and the Treaties of Peace and Commerce between *Great-Britain* and *France*. 2d Edit. 6 *s.*

12. The Works of Dr. *Archibald Pitcairn*: Wherein are discover'd the true Foundation and Principles of the Art of Physick; with Cases, and Observations upon most Distempers and Medicines, *&c.* 10 *s.*

13. The Lives and Characters of the most Illustrious Persons, *British* and Foreign, who died in the

H Years

Digitized by Google

Years 1711, and 1712. More particularly, the Emperor *Joseph*; the Dukes of *Rutland*, *Bedford*, &c. the Earls of *Rochester*, *Bath*, &c. the Lords *Mohun*, *Craven*, &c. In Two Volumes. 12*s*.

14. Memoirs, Letters and Negotiations, of the Count *D' Estrades*, Ambassador from *Lewis* XIV. to the *States-General*, from 1663, to 1669. In Three Volumes. 18*s*.

15. The History of the *Pontificate*, from its Supposed Beginning, to the End of the Council of *Trent*, *A. D.* 1563. By *Laurence Howel*, A. M. 6*s*.

16. Memoirs of the *British* Fleets and Squadrons in the *Mediterranean*, *An.* 1708, and 1709. With an Account of the Reduction of *Sardinia*, *Minorca*, &c. 3*d*.

17. The True *Amazons*; or, The Monarchy of Bees. Being a New Discovery and Improvement of those Wonderful Creatures. By *Joseph Warder*, Physician. 1*l*. 6*d*.

18. The Adventures of *Rivella*; or, The History of the Author of the Four Volumes of the New *Atalantis*. With Secret Memoirs and Manners of several Considerable Persons, her Cotemporaries. With a Compleat Key. 2*s*.

19. The History of the most Serene House of *Brunswick-Lunenburgh*, in all the Branches thereof, from its Origin to the Death of Queen *Anne*: Containing the Illustrious Actions of those Princes, both in Peace and War. With many Curious Memoirs, concerning the Succession of that Family to the Crown of *Great Britain*. With a Description of His Present Majesty's Dominions in *Germany*. 6*s*.

20. The Works, and Life of the Right Honourable *Charles* Earl of *Halifax*. Including the History of his Lordship's Times. 5*s*.

21. The History of the most Remarkable Trials in *Great-Britain* and *Ireland*, in Capital Cases; *viz.* Heresy, Treason, Felony, Witchcraft, Incest, Poisoning, Adultery, Murder, Rapes, *&c.* both by the unusual

Digitized by Google

unusual Methods of Ordeal, Combat, and Attainder, and by the Ecclesiastical, Civil, and Common Law of those Realms. Extracted from Records, and other Authentick Authorities. 6*s.*

22. The Secret History of *Europe*, in Four Parts Compleat: Consisting of the most Private Affairs, transacted by all Parties for Fifty Years past. Extracted from the most Authentick Memoirs, as well Printed as Manuscript. With a large *Appendix*; containing Original Papers, Speeches, and the Proceedings upon the Earl of *Danby*'s Impeachment. An Account of the Earl of *Clarendon*'s Impeachment; with the Resolutions in Parliament against him after his Flight. Sir *John Fenwick*'s Attainder, *&c.* 12*s.*

23. The History of the most Noble Order of the Garter, and the several Orders of Knighthood extant in *Europe*. Containing, I. The Antiquity of the Town, Castle, Chapel, and College of *Windsor*; with their several Officers: The Foundation of the Order by K. *Edward* III. The Statutes and Annals at large, as they have been alter'd and amended. II. The Habits, Ensigns, and Officers of the Order: The Ceremonies of Election, Investiture, and Installment of Knights; the Manner of their Feasts; and the Duties and Fees payable upon those Occasions. Some Account of the Founders. With an exact List of all that have been Installed since the Institution; and their several Coats of Arms emblazon'd. Written at the Command of King *Charles* II. by *Elias Ashmole*, Esq; *Windsor*-Herald. Now compar'd with the Author's Corrections, in his Library at *Oxford*: Faithfully digested, and continued down to the present Time. The whole illustrated with proper Sculptures. *Small Paper*, 7*s.* 6*d.* *Large* 12*s.*

24. The Secret History of the *Late Ministry*, from their Admission, to the Death of the Queen: Shewing that every Step taken by them, tended demonstrably to bring in the *Pretender*. 6*s.*

25. The

Digitized by Google

25. The Grammar of *Heraldry*, or Gentleman's *Vade Mecum*; serving the Purpose of all Larger Volumes. Containing, 1. The Rules of Blazon and Marshalling. 2. The Arms of the Sovereign, of the Cities, Colleges, Corporations, Companies, and other *British Societies*. 3. The Paternal Coats of the *English* and *Welch* Nobility, Clergy and Gentry; with many of the Ancient Families of *Scotland* and *Ireland*. 4. The Arms of *English* Families now extinct; with some Rare Bearings now in *Foreign Nations*. The whole digested in an Alphabetical Order. 6 *s*.

26. The Adventures of *Telemachus*, the Son of *Ulysses*. In Ten Books. With the Adventures of *Aristonous*. Written by the Archbishop of *Cambray*: Done from the New *French* Edition, by Mr. *Ozell*. Adorn'd with Twelve Cuts, and a Map of *Telemachus*'s Travels: All curiously engraven by Mr. *Vandergucht*. In Two Volumes. 6 *s*.

27. The Works of the Celebrated Monsieur *Voiture*: Containing, 1. His *Letters* and *Characters* of the most Eminent Personages in the Court of *France*. Illustrated with Explanatory Notes, by M. *Ribbelet*. 2. His *Metamorphoses*. 3. *Alcidalis* and *Zelida*; or, The *Undaunted Lady*: A Romance, composed for the Entertainment of Madamoiselle *de Rambouillet*. Done from the *Paris* Edition, by Mr. *Ozell*. To which is prefix'd, the Author's Life; and a Character of his Writings, by Mr. *Pope*. In Two Volumes. 6 *s*.

28. The Works of Mr. *William Shakespear* compleat, in Nine Volumes, adorn'd with Cuts. To the Last Volume (which may be had alone) is prefix'd, 1. An Essay upon the Art, Rise and Progress of the *Stage*, in *Greece*, *Rome*, and *England*. 2. Observations upon the most Sublime Passages in this Author. 3. A Glossary, explaining the Antiquated Words made use of throughout his Works. *The Price of the whole*, 1 *l*. 7 *s*. *and of that Volume single*, 3 *s*.

29. The

Digitized by Google

29. The *Lay-Monastery*: Consisting of Essays, Discourses, *&c.* Publish'd singly under the Title of the *Lay-Monk*. Being the Sequel of the *Spectators*. 2*s.* 6*d.*

30. A Preservative against *Popery*. In Two Parts. 1. Some plain Directions how to dispute with *Romish Priests*. 2. Shewing how contrary *Popery* is to the True Ends of the Christian Religion. Both fitted for the Instruction of Unlearned *Protestants*. By *William Sherlock*, D. D. Late Dean of St. *Paul's*. 2*s.*

31. Directions to *Church-Wardens*, for the faithful Discharge of their Office. The Third Edition, with large Additions. By *Humphrey Prideaux*, D. D. Dean of *Norwich*, and Archdeacon of *Suffolk*. 1*s.* 6*d.*

32. Mr. *Kettlewell's* Measures of Christian Obedience, compendiously methodized, and suited to the meanest Capacity. Being a Resolution of this Grand Question; *What it is that the Gospel requires of every Christian, as indispensibly necessary to his Salvation?* Designed for the Promotion of Piety, and the Peace of Troubled Consciences. The Second Edition, To which is added, Mr. *Kettlewell's* Confession of Faith, made by him at Receiving the Holy Sacrament, a few Days before his Death. 2*s.*

33. *English* Particles *Latinized*: Or, A Compendious Improvement of the Doctrine of *English* and *Latin* Particles. Deliver'd familiarly and plainly, by way of Question and Answer. For the Use of *Schools*. Revis'd, and Corrected by Mr. *Thomas Dyche*. 2*s.*

34. The Lawyer's Library: A New Book of Instruments; consisting of Precedents fitted for the Use of Attorneys, Ecclesiastical Persons, Scriveners, Merchants, Sollicitors, Owners of Ships, Mariners, and generally for all Persons concern'd in Trade and Commerce. Being the most Compleat Collection (of its Bulk and Nature) hitherto extant. 3*s.* 6*d.*

35. Dr.

Digitized by Google

35. Dr. *Radcliffe*'s Life and Letters. Containing, 1. *Obadiah Walker*'s Letter, advising him to turn *Papist*. 2. Dr. *Radcliffe*'s Answer. 3. His Letters to the Bishop of *Norwich*, the Bishop of *Rochester*, the Lord *Craven*, the Duke of *Beaufort*, and other Persons of Distinction. 4. The Archbishop of *York*'s Letter to Dr. *Radcliffe*, concerning Dr. *Sacheverell*. 5. Dr. *Radcliffe*'s Letter to Dr. *Mead*, after the *Queen*'s Death. 6. A True Copy of his Last Will and Testament. *Stitch'd* 2 s. *Bound* 2 s. 6 d.

26. Memoirs of the Life of the most Noble *Thomas*, late Marquis of *Wharton*: With all his *Speeches* in Parliament, both in *England* and *Ireland*. To which is added, His Lordship's Character, by Sir *Richard Steele*. 1 s. 6 d.

37. Mr. *William Lilly*'s History of his Life and Times, from the Year 1602, to 1681: Written by himself in the 66th Year of his Age, to his Worthy Friend *Elias Ashmole*, Esq; Publish'd from the Original Manuscript. Containing, among many Curious Particulars, 1. An Account of Dr. *Forman*, Dr. *Napier*, Dr. *Booker*, Dr. *Dee*, *Kelly*, and all other Astrologers and Conjurers, his Cotemporaries: Unfolding the Mysteries of the *Black Art*; *viz.* Incantations, Raising of *Spirits*, &c. 2. The Trial of *Isaac Antrobus*, Parson of *Egremond*, before Sir *Harbottle Grimston*, Master of the *Rolls*, for Baptizing a Cock by the Name of *Peter*, and committing Adultery with a Woman and her Daughter. 3. A Discovery of several Private Transactions, relating to *Oliver Cromwell*'s Management, during the Time of the Civil Wars; more especially that Grand Secret, *Who the Person was, that cut off King Charles*'s *Head*. 4. Mr. *Lilly*'s Examination before the *Parliament*, concerning the Fire of *London*; with some Memorable Occurrences, that happen'd after the Restoration of King *Charles* II. 1 s. 6 d.

38. Mr.

Digitized by Google

38. Mr. *William Lilly's* True History of King *James* I. and King *Charles* I. With ſundry Obſervations, Remarkable Paſſages, and many Secret Tranſactions not till now divulged. Faithfully publiſh'd from his own Copy. Containing, 1. An Account of K. *James's* being poiſon'd by the Duke of *Buckingham's* Mother. 2. The Precipitate Meaſures taken by K. *Charles* at his coming to the Crown; and of his Aſſiſting the *French* to deſtroy the *Rochellers*. 3. The Duke of *Buckingham's* Unfortunate Expedition to the Iſle of *Rhee*, in *France*: His Character; and a full Relation of that amazing Apparition which foretold his Death. 4. The Characters of Archbiſhop *Laud*, Biſhop *Wren*, General *Leſley*, the Earl of *Arundel*, the Earl of *Strafford*, the Earl of *Eſſex*, &c. 5. An Account of the *Iriſh* Maſſacre; the King's Execution: A farther Account of the Perſon who beheaded him; and of his private Interment at *Windſor*. 6. Several Prophecies, foretelling his untimely Fate. *Stitch'd* 1 *s.* 6 *d*, *Bound* 2 *s.*

39. A True Account of a Conference held at a *Quakers* Meeting-Houſe in *Suffolk*, with *Joſeph Middleton* of *Hempton-Abbey* in *Norfolk*, Speaker: Together with ſome Remarks thereupon. By *Henry Stebbing*, M. A. Rector of *Rickinghall Inferior*, and late Fellow of St. *Catharine's* Hall in *Cambridge*. 1 *s.*

40. The Charge of *Hereſy* examin'd: In a Second Defence of the Divine Inſtitution of *Water-Baptiſm*. Being a full Reply to a Book of the *Quakers*, entitled, *Chriſtian Baptiſm vindicated from the Principal Objections of* Henry Stebbing, *Rector of* Rickinghall *in* Suffolk, *in his Printed Account of a Conference there*; and publiſh'd by *George Gibſon*. Wherein alſo ſome Groſs and Fundamental Errors of *Robert Barclay*, not hitherto animadverted upon, are diſcover'd and expoſed. By *Henry Stebbing*, M. A. late Fellow of St. *Catharine's* Hall in *Cambridge*. 1 *s.*

Digitized by Google

Digitized by Google

Digitized by Google